THE RELIGION OF ISLAM

VOL. II

A STANDARD BOOK
BY

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THE RELIGION OF ISLAM

VOL.II

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INTRODUCTION

In pursuance of the design alluded to in the preface to Vol. I of this digest of the "Religion of Islam", Vol. II of the said work is now presented embodying the practical devotions, legal transactions, punishments, moralities, foundations of Mohammedan jurisprudence and theology, together with an exposition of the spiritual aspect of the Muslim religion.

Before giving an account of the contents of the present volume, it may be proper to give some explanation about the Islamic Law.

The Islamic Law proceeds in its determinations upon two grounds: the text of the Koran and the *Sunna* or the Oral Law:-

1. The Koran is considered by Muslims as the basis of their law; and is therefore, when applied to judicial matters, entitled by way of distinction "Al-Shari'a" or the Law, in the same way as the Pentateuch is distinguished by the Jews.

The precepts of the Koran are of two prescriptions: prohibitory and injunctive. In their application, they are always considered as unquestionable and irrefragable.

Reviewing the Koran in a few words, Bosworth Smith states: "... It is a book which is a poem, a code of law, a book of common prayer, and a bible in one, and is revered to this day by a sixth of the whole of the human race as a miracle of purity of style, of wisdom and truth. It is the standing miracle claimed by Mohammad, and a *miracle* indeed it is"[1]

2. As regards the *sunna*, it literally signifies custom, regulation or institution. The *sunna* stands next to the Koran in point of authority, being considered as a commentary to the Holy Book. It forms the body of what is termed the Oral Law, because it was not committed to writing by the scribes of the Holy Prophet, it being deduced solely from his traditionary precepts, sayings and practice preserved from mouth to mouth by authorized persons.

(1) Vide «Muhammad and Muhammadonism», by Prof. Bosworth Smith, p. 340

After the prophet's death, the institutions of the *sunna* were at first quoted by his companions merely to settle occasional disputes or to restrain men from certain actions which the Prophet had prohibited: and thus in the process of time, they became a standard of judicial determinations. The *sunna* applies to many points of both devotional and temporal natures.

The mode of collection of the standard traditions is fully dealt with in its proper place in the present work. There are beside these, a multitude of traditions cited by Muslim commentators concerning the acts and sayings not only of the Holy Prophet but also of his companions and immediate successors, which, though not of equal authority, are nevertheless admitted to have some weight as precedents in judicial decisions, when not repugnant to reason or contradicted either by the Koran or the *sunna*

Having explained the foundations of the Islamic Law, we shall next endeavor to give an account of the state of society in Arabia - the birthplace of Islam - when the Arabian Prophet began to introduce the Islamic system of jurisprudence among the followers and subjects of Islam. To enter into this, in detail, would be much beyond the author's design and would occupy more space than a mere preface would admit of. However it is sufficient for our purpose to remark that the Arabians were divided into two main classes or descriptions of men: the townsmen and the wandering nomads in the desert. The former pursued commerce and husbandry. Whilst the latter, which formed the great body of the nation, followed the usual occupations of the pastoral life; they occasionally made inroads upon their more wealthy neighbors, attacked the caravans and plundered the travelers. "By the advent of Islam and through its gradual training and guidance, the tribes of the desert united their forces and issuing from their native wilds, overran the neighboring nations with an uninterrupted uniformity of success to which history opposes no parallel"[1]

When the Holy Prophet Muhammad started to exercise his prophetic powers, he found his countrymen, in general, slaves to the most gross and

(1) Of *Hamilton's Hidaya*, Prelim. Disc., p. XXXI

stupefied idolatry. The paganism of the Sabians had overrun almost the whole nation. From Persia, the eastern tribes had caught much of the superstitions of the Magians. There were indeed numbers of Jews and Christians. The former had several considerable establishments and many whole tribes had embraced the Mosaic Creed or the Gospel. "But their conduct and principles" writes Prof. Standish Grove Grady, "little deserved the titles they assumed. The Jews paid more regard to the fabulous traditions of their Rabbis than to the severe and unaccommodating precepts of the Pentateuch; and the eastern churches" continues Prof. Grady, "were divided and convulsed by scholastic disputes in which, instead of the mild and forbearing spirits of Christianity, nothing but mutual rancor, malice and uncharitableness prevailed; whilst the pure and simple worship inculcated by its Divine Author had degenerated into mere outward show, expressive only of a debasing and idolatrous superstition"(1)

Prof. Bosworth Smith remarks: "As to the Pagan Arabs, the nice distinctions of property were imperfectly understood; each tribe was governed by its own law and disputed causes were either referred to the determination of the chief or (more frequently) decided by an appeal to the sword.

"Private revenge was not merely tolerated, but encouraged, and the justice and necessity of it inculcated. Hence every dissension was the occasion either of single combat or of civil war, and tradition furnished us with accounts of above 1,500 battles fought before the introduction of the Islamic system.

"Indeed, half pagan half Christian, half civilized and half barbarian, it was given to Mohammad in a marvelous degree to unite the peculiar excellences of the one with the peculiar excellences of the other.

"Head of the state as well as of the Church, he (Mohammed) was Caesar and Pope in one; but he was Pope without Pope's pretensions and Caesar without the legions of Caesar. Without standing army, without fixed revenue, if ever a man had a right to say that he ruled by a right

(1) Vide *Hamilton's Hidaya*, Prelim. Disc., p. XXX

divine, it was Mohammad, for he had all the power without its instruments".[1]

Dealing with the social changes brought by the Prophet, Dr. Noldeke states:-

"One fact among others, by which we can estimate the striking impression the Prophet produced upon the Arabs is that each tribe once submitted, or adopted his religion, it renounced the right of retaliation for the bloodshed in the struggle. Under other circumstances, this renunciation of blood-revenge would have seemed to the Arab the lowest depth of humiliation. This was, indeed, so striking a feature of the new brotherhood that it could not fail to make a silent but deep impression upon the unbelieving multitude that now began to feel the power of the new religion.

"To those who seek miracles, this glorious result, achieved in less than a decade, constitutes a real and splendid miracle of Islam, which alone gives it the title, to be ranked as a great religion and wonderful civilizing agency".[2]

In an exquisitely beautiful passage full of grace and wisdom, the Holy Koran draws a contrast between the life and manners of Arabs in the shade of Islam and those in pre-Islamic times; and urges upon the true believers a true union of hearts, and dwells on the real purpose of the advent of the new religion. Here is a rendering of the verses: *"O ye believers, fear God as He deserveth to be feared; and die not but as true Muslims. And hold ye fast by the Cord of God, all of you, and do not scatter yourselves, and remember God's goodness towards you, and how that when ye become brethren, and while ye were on the brink of the pit of fire, He saved you from it; thus clearly God showeth His signs, that ye may be guided. And let there be among you some people who invite to the good, and enjoin the right and forbid the wrong; and these are they who shall prosper"*[3]

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(1) Of Prof. Bosworth Smith his «Muhammad and Muhammadnism» p. 340

(2) Dr. Noldeke's in his book on Islam, p. 126.

(3) Koran: 3: 103.

The reader shall find in this volume the numerous rules, regulations, directions, institutions, and guidance which have been the basis upon which the Empire of Islam was built. The Holy Prophet Muhammad did not only promulgate a religion, but he also laid down a complete social system, containing minute regulations for a man's conduct in all circumstances of life, with due rewards and penalties, according to his fulfillment or otherwise of these rulings. The social and the religious parts of Islam are so inseparably bound up that it is impossible to cut off the one from the other without destroying both. Religion according to Islam should not only lay down the law of relation to God, but should also regulate and distinctly define the proper relation between man and his fellow-beings.

Hence this Vol. II of the digest of the Religion of Islam is compiled to complete the survey of the religion in its three sides; the devotional, the social and the spiritual.

The attention of the authorities of the Islamic Congress in Cairo was directed to the necessity of having an English simplified digest of the practical institutions and judicial laws of the religion of Islam carefully compiled for the use and benefit of the English-speaking Muslim communities all over the world. They were prompt to grant their revered patronage to the author to continue his endeavors towards this end.

Hence the present Vol. II of *"The Religion of Islam"*, of which Volume I was published a few years ago and universally received with remarkable appreciation.

The advantages to be derived from a development of the institutes of the Islamic religion are not confined only to the use of those Muslims whose lack of knowledge of the Arabic language kept them rather in ignorance of the details of their religious system; but they extend also to the benefit of numerous inquirers in the West who seem unsatisfied with the misleading accounts of the Muslim Religion as given by foreign critics or missionaries, whose writing on a different faith other than their own is naturally bound with certain party spirit. They desire information derived from the fountain-head and not through adulterated channels.

In a political view, it is humbly presumed that this work will not be found uninteresting. At the present eventual period, when we have seen colonization, fanaticism and despotism are about to eclipse and new conditions of real democracy and tolerance springing into birth, the long-riveted chains of capitalism seem hastening to be broken. Thus it is to be hoped that the development of publications on the Religion of Islam shall be the ambassador of goodwill between East and West.

It is also to be rightly hoped that they will contribute to a fuller knowledge of the great cultural heritage of the East, for only through real understanding will the West be able to appreciate the underlying problems and aspirations of the East today.

The author is confident that a deeper knowledge of the great ideals and lofty philosophy underlying the Religion of Islam will help to a revival of that true spirit of charity which neither despises nor fears the notions and teachings of another creed.

The author earnestly trusts that his modest endeavor will serve in some degree to remove misconceptions as to the precepts of the message of Islam, particularly with respect to tolerance in Islam and the status of woman. It is a recognized fact of history that in the dark ages of the Crusades, the truth was constantly perverted for the sake of political ends. So far, wherever true culture has not gained a foothold, the old spirit of exclusiveness and intolerance, the old ecclesiastic hatred of Islam, displays itself in writing, and in public speeches.

It is earnestly hoped that the modern spirit of honest inquiry, broadmindedness and tolerance will prevent the acceptance of these old prejudices.

Ahmed A. Galwash

PART *I*

PRACTICAL DEVOTIONS

Chapter (1)

PREPARATORY AND RECAPITULATION

PRONOUNCING THE FORMULA OF THE FAITH.

After heartedly believing that Allah-God-is one, having no partner, or son, and that Muhammad is His Prophet and Messenger to announce God's word to mankind, it is the religious duty of every faithful embracing Islam to exercise the practical devotions of the religion.

1. The first and foremost of these is to pronounce publicly the formula of the faith as follows:-

"I bear witness that there is no deity save Allah (God), and that Muhammad is His servant and his Apostle".

2. Next comes the duty of exercising the stated prayers, as given in detail, though only summarized hereinafter.

PRAYERS TO GOD

introductory note

Prayer to God, according to Islam, is the essence of man's duties to God. It is an outpouring of the heart's sentiments, a devout supplication to God, and a reverential expression of the soul's sincerest desires to its Maker.

In Islam the idea of prayer, like all other religious duties, finds its highest development. According to the Koran, prayer is the only way to communion with God. The word of God in the Koran teaches thus:-

﴿ ٱتْلُ مَآ أُوحِىَ إِلَيْكَ مِنَ ٱلْكِتَٰبِ وَأَقِمِ ٱلصَّلَوٰةَ ۖ إِنَّ ٱلصَّلَوٰةَ تَنْهَىٰ عَنِ ٱلْفَحْشَآءِ وَٱلْمُنكَرِ ۗ وَلَذِكْرُ ٱللَّهِ أَكْبَرُ ﴾ [العنكبوت: ٤٥].

"Rehearse that which has been revealed to you of the Book (the Koran) and be constant at prayer, for prayer restrains man from that which is evil and wrongful, while constant remembrance of God is the spirit's supremest enjoyment"

(29: 45).

Islam, therefore, enjoins prayers as a means of the moral elevation of man. But if prayer is said carelessly or with an absent heart, it degenerates into a mere ritual, into a lifeless and vapid ceremony gone through with insincerity of heart. This is not the sort of prayer accepted by Islam. Such a prayer is denounced by the Koran which gives the warning:

"Woe be unto those who say prayers simply by their lips without a present heart just to make a show"(Koran: 107: 4-6)

Whilst the rite of *salat*, i.e. saying the enjoined prayers, is being performed, one concentrates innerly on God, while the reflection of meaning and reason of the verses one reads, stir and exalt one's soul to everything that is supreme, lofty and good. This *salat* is, to say, a form of exercise and training. But it is not enough to practice merely its various movements of standing, bending, prostrating and sitting -- such movements as will be fully described later. The real spirit of *salat* is to be in constant communion with, and veneration of, God. The *Fatiha* -the Opening Chapter of the Koran forms an essential part of every prayer, so that no prayer, according to a teaching of the Prophet of Islam, is complete without the *Fatiha*, which is really a wonder in sense and meaning. Its translation is as follows: -

"All praise is due to Allah (God) the Lord of all World, the Beneficent, the Merciful, the King of the day of reckoning. Thee only do we worship and from Thee only do we seek for help. Guide us to the right path, the path of those to whom Thou hast been gracious, not of those who are condemned nor those who are misguided."

The *Fatiha* is rightly described as a wonder in sense and meaning. In a way it has a greater importance for a Muslim than the Lord's Prayer for a Christian. The latter was taught to pray for the coming of God's Kingdom, whereas a Muslim is instructed to seek for his right place in that Kingdom which has already come; the hint, no doubt, being that the coming of the Prophet was really the advent of the Kingdom of God about whose approach Jesus Christ preached to his followers (St. Mark, I--15) [1].

Some hostile critics have suggested that the form of the Muslim prayer is suited only for blind and sinful men groping in darkness to find out the way. Surely it is a very distorted view of the sublime words, which express the natural yearning of the sincere soul to be kept on the right path and to be saved from stumbling.

Honestly speaking, the prayer contained in the *Fatiha* is the most sublime of all prayers that exist in any religion. It is composed of seven verses, the first three of which speak of the Divine attributes of Providence, Beneficence, Mercy and Requital; the last three verses lay open before the Creator of the Universe the earnest desire of man's soul to walk in righteousness without stumbling on either side, while the middle verse is expressive of man's entire dependence on God (*Allah*). The attributes referred to are those which disclose God's encompassing beneficence and care, and His unbounded love for all his creatures ; the ideal to which a human soul is made to aspire is the highest to which man can rise, namely the path of righteousness, the path of grace in which there is no stumbling.

On the one hand, the narrow views which addressed the Divine being as the Lord of a particular nation (the "Lord of bal", for instance) are swept off before the mention of His equal providence and equal love for all human beings, nay, for the creatures that exist in the world; narrow idea of paternal care contained in *Father* has given way before the all-embracing beneficence and love of the Great Author of all existence, nourishment and perfection of the creatures long before they came into existence. On the other hand, there is the high aspiration of the soul for an unbounded spiritual rise without the least consideration of care of the body which craves for the "daily bread". The Muslim prayer as contained

(1) And Saying, the time is fulfilled and the kingdom of God is at (St.Mark I – 15)

in the *Fatiha* sets before the eye that high goal of Divine Grace wherein is known no displeasure, and which is beyond the reach of error.

With all its beauty, even the "Lord's Prayer" sinks into insignificance before the majestic glory of the *Fatiha*, and one would in vain turn over the pages of Sacred Books to find anything approaching to the grand and sublime ideas contained in this Opening Chapter of the Koran.

The Prophet of Islam attached great importance to the human body as well as to the soul, and to the preservation of its cleanliness and purity. He taught that faith is the spring of cleanliness.

Islam considers the human body as something entrusted to man by God, and, therefore, obliges him to take care of it. Islam enjoins upon its followers to keep it clean and pure, morally as well as materially.

PRAYER --- A PRINCIPLE OF ACTION

We now take the practical side of the faith of Islam. As already said, actions in Islam are as essentially a component part of the religion as belief. In this respect, Islam occupies a middle position between religions which have ignored the practical side altogether and those which bind their followers to a very minute ritual. Islam sees the necessity of developing the faculties of man by giving general directions and then leaves ample scope for the individual to exercise influence on the individual's practical life.

The precepts of Islam which inculcate duties towards God and duties towards man are based on that deep knowledge of the human nature, which cannot be possessed but by the author of that nature. They cover the whole range of the different grades of the development of man and are thus wonderfully adapted to the requirements of different people. In the Scripture of Islam - the Koran - are found guiding rules for the ordinary man of the world as well as the philosopher, and for communities in the lowest grade of civilization as well as the highly civilized nations of the world. Practicality is the keynote of its precepts, and thus the same universality which marks its principles of faith is met

within its practical ordinances, suiting as they do the requirements of all ages and nations.

Prayer is the second of the five fundamental principles or pillars of practical devotion in Islam. It is a devotional exercise which every Muslim is required to render to God five times a day, namely in the early morning before sunrise, at midday, in the afternoon, in the evening after sunset, and fifthly at night.

The general duty or service is frequently enjoined in the Koran, while the appointed times as well as the mode of rendering prayers were prescribed distinctly by the Prophet both by his personal practice and by his teaching.

The hints and orders met within the Koran as regards the enjoinment of *salat* are rendered as follows: -

"Observe prayers in the early morning, at the close of the day, and at the approach of the night. Prayers are good deeds which drive away the evil doings" (11: 114).

"Glorify God (by rendering prayers to Him) when it is evening and in the morning- praise be to Him in the heavens and the earth-and in the afternoon and at noontide" (30: 17-18).

"Put up then with what they say; and celebrate the praise of your Lord 'before sunrise, and before sun setting, and during the night do thou praise Him, and in the extreme of the day, so that thou mayest be well-pleased" (20: 130).

"Observe prayers at sunset until the first darkening of the night and observe reading (the Koran) at daybreak. Lo! the recital of the Koran (that is rendering prayers) is ever witnessed. And some part of the night awake for it, a largess for thee. It may that your Lord will raise thee to a praised state" (17: 78-79).

"Take aid by observing patience and prayers" (2: 45).

"When you have fulfilled your prayer, remember God,

standing and sitting and lying on your sides. And when you are safe then be steadfast in prayer. Verily prayer is a timed ordinance on the believers" (4: 103).

It is absolutely necessary that the service of *salat* should be performed in Arabic as far as possible, the clothes and body of the worshipper must be clean, and the praying-place be free from all impurity. It may be said either privately or in company, or in a mosque-although services in a mosque are more meritorious.

The stated prayers are always preceded by the ablution of the face, hands and feet, as will be fully described later.

The *salat*, or liturgical service, is thus one of the most prominent features of the Islamic religion, and very numerous are the injunctions regarding it, which have been handed down in the traditions of the Prophet. The following are a few quotations:

"That which leads man to infidelity is neglect of prayers"

"No one of you must say his prayers in a garment without it covering the whole body".

"God accepts not the prayers of a woman arrived at puberty unless she covers her head as well as the whole body"

"The five stated prayers erase the sins which have been committed during the intervals between them, if they have not been mortal sins".

"The prayers of a person will not be accepted, who has broken his ablution until he completes another ablution".

"Order your children to say the stated prayers when they are seven years of age, and beat them if they do not do so when they are ten years old".

"Tell me if any of you had a rivulet before his doors and bathed five times a day therein whether any dirt would remain on

his body? The companions, said. 'Nothing would remain'. The Prophet said, 'In this manner will the five daily prayers as ordered by God erase all minor sins".

TIMES OF THE FIVE STATED PRAYERS

The Prophet taught that "the time for *Zuhr* (noon) prayer begins from the inclination of the sun to the west and closes at the time when the shadow of a person shall be the length of his own stature, which time marks the beginning of the *'Asr* (afternoon) prayer. The time of the *'Asr* prayer is from that time till the sun assumes a yellow appearance. The time of Maghrib (sunset) prayer is from sunset as long as the red appearance in the horizon remains. The time of the *'Isha* (night) prayer is from that time till near daybreak. And the time for the *Fajr* (daybreak or morning) prayer is from the break of day till the sun rises". When the sun has just arisen, a Muslim must wait to recite his morning prayers (if not already recited) until the sun has well arisen.

AIM OF THE PRAYERS

The aim of the prayers enjoined upon Muslims is to think of God, to have a pure heart, to take care of the body and clothes, to overcome evil desires, and to be a good-natured decent person in all respects. The prayers recited by an immoral person are not acceptable. Good character comes before everything else.

Considering that mode of life obliges us to be overwhelmed, one may say that there would be no time to perform *salat* five times a day. But the case is quite contrary; by performing the stated prayers, the body will be kept clean and at ease in virtue of the repeated ablution or washing which is a preparatory practice to reciting prayers. By *salat,* the stiffness of the organs will be enlivened and will regain their natural briskness. Thus no better means than the two rites of ablution and Salat can be suggested to remove the languor and fatigue caused by the tiresome occupation of the day.

In other words, the practice of salat ensures us moral, spiritual and material advantages.

MUSLIM PRAYERS - A SPIRITUAL DIET

To the Muslim, the prayers are his spiritual diet, of which he partakes five times a day. Those who think that prayer is too prescribed should remember how many times a day their physical bodies require food. Thus, is not the spiritual growth much more essential than the physical growth? If to minister to the needs to the inner man, you need breakfast, lunch, afternoon tea, supper and late tea, do we not badly need spiritual refreshment the same time? A Muslim says his prayer simultaneously with his meals.

Christ was quoted to have said, "Man shall not live by bread alone, but by every word that proceedeth out of the mouth of God'. The word "shall" is too emphatic, and we would that the Church arranged to fulfill Christ's words.

"The people of England", says General Gordon(1), "care more for their dinner than they do for anything else". What Gordon said of England seems true of the rest of the Christian World. But the flock cannot be blamed so much as the shepherd who neglects to give proper guidance. To save us from the demon of Epicureanism (the devotion of earthly desires and lust), Jesus Christ laid down the maxim. Unfortunately his short ministry didn't leave him time or occasion to enlighten us on the practical aspect of this noble maxim.

Jesus was also quoted to have said to the disciples. "I have yet many things to say unto you but ye cannot bear them now". The time for full manifestation of the Divine Will had not arrived. Christ promised the disciples the coming of the "Comforter" after him to guide people "into all truth" and that "the spirit of truth had to come" to "show things"(2) and make up the deficiency. "The Spirit of Truth" descended on the Prophet

(1) Golden Cleaning from the thoughts of General Gordon
(2) St. John, XXI - 16

Muhammad, the "Comforter", who brought the teachings of Christ to a practical reality. Five times we think of our bread, and five times a *muezzin* - the one who calls for prayer- from the mosque calls us to prayer and reminds us of the words that proceed "from the lips of God". The Muslim *azan* (call to prayer) is literally as well as formally a reminder that man shall not live by bread alone, but by every word that proceedeth from the lips of One Who is greatest of all, bread included. The following is the translation of the azan:

> *"God is Greater, God is Greater. I do testify that there is no deity save God. I do testify that Muhammad brought the message from God. Come to prayer. Come to prayer. Come to prosperity, Come to prosperity. God is Greater. God is Greater. There is no deity save God".*

This is what a Muslim hears from the mosque five times a day, when his inner man wants him to do something to sustain him. The call from the mosque reminds him that he shall not serve the inner man by living by bread alone, but that God is the greatest, and that all other concerns are small. God alone is to be served first. And if man is broken for prosperity, true prosperity shall come to him through prayer, which is to live on words that proceed from the lips of God.

One would naturally ask whether the stroke of the church bell has any comparison to make with that soul-edifying Muslim Azán. The answer is best given by Paslor Mogola Agbebi, D.D., Lagos, Director of the Niger Delta Mission in his paper contributed to the First Universal Races Congress held in London:

"Five times a day from the turrets and minarets Islam's call to prayer startles Africa, demanding attention from dawn to dark; and Christianity in its best form, whatever that may be, has never presented a formula more rousing than:

> *"Rise ye believers.*
> *Prayer is better than sleep.*
> *Prayer is better than sleep."*

DESCRIPTION OF THE MUSLIM PRAYERS

There are certain minor differences amongst the various schools of Islam regarding the formula but its main features are alike in all Muslim countries. We shall describe prayer according to the Hanafi School of Sunni, or Orthodox, Muslims

The stated prayers are always preceded by the ablution of the face hands and feet.

ABLUTION

Ablution (Arabic wudü', Persian "Abdas") is described by Prophet as the key of prayer, and is founded on the authority of the Koran : -

> *"O believers. When you prepare yourselves for prayer, wash your faces and hands up to the elbows and wipe your heads and wash your feet to the ankles" (5: 6).*

These ablutions are absolutely necessary as a preparation for the recital of the liturgical form of prayer, and are performed as follows:

(1) The worshipper washes his hands first.
(2) Then he rinses his mouth throwing the water into it with the right hand.
(3) He then water up his nostrils, snuffing it up at the same time, and blows it out, compressing his nostrils with the thumb of the hand.
(4) He then washes his face with both hands.
(5) He next washes his right hand and arm, as high as the elbow, causing the water to run along the arm from the palm of the hand to the elbow,
(6) In the same manner he washes the left.
(7) Afterwards he draws his wetted right hand over the upper part of his head.
(8) If he has a beard, he then combs it with the wetted fingers of his right hand.
(9) After that he puts the tips of his forefingers wetted with water

into his ears and twists them round, passing his thumbs at the same time round the back of the ears from the bottom upwards.

(10) Lastly, he washes his feet, as high as the ankles, and passes his fingers between the toes, ensuring thereby their cleanness.

During this ceremony, which is generally performed in a few minutes, the intending worshipper usually recites some pious ejaculations or prayers before commencing the Wudu' (ablution), e.g. "In the name of God, the Merciful and Beneficent, I perform my Wudu'. Praise be to God Who caused water to purify our uncleanliness, and Islam to be our light to the right guidance".

The ablution needs not be performed before each of the five stated periods of prayer, when the person is conscious, since the last performance of the ablution, of having not been asleep or having avoided every kind of impurity, particularly urination, defecation or breaking wind. The private parts of the body must also be purified when answering a call of nature.

When water cannot be procured, or would be injurious to health, the ablution may be performed with pure dust or sand. This ceremony is called *tayammum*. The permission to use sand for this purpose, when water cannot be obtained, is granted in the Koran:-

"If ye cannot find water, then take fine surface pure sand and wipe your faces and your hands therewith. God does not wish to make any hindrance to you, but He wishes to purify you and that He may complete His favor on you, so that you may be grateful" (V:6).

It is related in the traditions (hadith) that the Prophet said:

> *"The whole earth is fit to serve as a mosque for Muslims to worship on; and the very dust of the earth is fit for purification when water cannot be obtained".*

Tayammum or purification by sand or clean dust is allowable under the following circumstances:

(1) When water cannot be procured except at a great distance (about two miles).

(2) In case of sickness.
(3) When the use of water is infeasible because of incurring danger from an enemy, a beast or a reptile.
(4) When, on the occasion of the prayers of a feast day or at a funeral, the worshipper is late and has no time to perform the *Wudu'*.

On ordinary days or normal conditions, this substitution of *tayammum* is not allowable.

The washing of the whole body to absolve it from uncleanliness and to prepare it for the exercise of prayer is absolutely necessary after the following acts: nocturnal emission, menses, coitus, puerperium.

Washing of the whole body is highly recommended (by *Sunna* or practice and precept of the Prophet) on Friday before going to the mosque for the Friday prayer, on the festivals and after washing the dead.

WATER WHICH MAY BE USED FOR PURIFICATION

The following kinds of water are lawful for purification: rain, sea, river, fountain, well, and snow water. All kinds of water are fit for purification, provided always that the normal color, smell and taste are not changed, or when the water is not used before.

Rubbing the socks with water in substitution for washing the feet in ceremonial ablution is legally allowed, provided that socks have been put on after performing a regular ablution, including washing the feet. This legality is sound for twenty-four hours from the time of the regular ablution, after which period feet must be washed as well as the face and hands.

HOW THE "SALAT" PRAYER SERVICE IS ERFORMED

At the time of public prayer, as stated before, the muezzin or crier ascends the minaret or stands at the side of the mosque nearest to the public thoroughfare, and gives the azan or the call prayer, as follows:-

(1) God is Greater (four times).

(2) I bear witness that there is no deity but Allah (twice).
(3) I bear witness that Muhammad is the Apostle of God (twice).
(4) Come to prayer (ye Muslims) (twice).
(5) Come to salvation and prosperity (twice).
(6) God is Greater (twice).
(7) There is no deity but Allah.

In the early morning, the following "cry" is added: "Really Prayers are better than sleep" (twice). This cry is added after saying "come to salvation and prosperity"

When the prayers are said privately, in a congregation or in the mosque, they begin with the *Iqama*, which is the second call to the *salat*, with the addition of the sentence "Prayers are now ready" (twice).

The regular form of prayer then begins with the *niyya*, i.e. the worshipper's intention, expressed (better by heart) that he purposes to offer up to God such *rak'ats* (literally means bending) as the case may be, while standing up with the face *qibla*-wards, i.e. towards Mecca. The Arabic expression is as follows (see Fig. 1): - *"Nawayto osalli rak'atyn fardes-sobhi*" (or *thalâtha* or *arba'a rak'ats* if the *maghrib* or *'asr or 'isha* is concernned) (*Transliteration*)

1. Then follow the words of "*takbirât-el-ihrâm*": *Allahu Akbar* "God is Greater", uttered with the thumbs touching the lobules of the ears and the open hands on each side of the face, as shown in Fig. 2.



FIG. 1.-The *niyya* posture



FIG2.-The *takbirát el ihrâm* posture

2. Then comes the *qiyâm* position: The right hand is placed upon the left over the breast while the standing position is maintained; the eyes looking to the ground in self-abasement (see Fig. 3).

During this posture, the worshipper recites the following:

"Subhanaka Allahumma	Glory to Thee 0 Allah (God)
wa bi hamdika	and Thine is the praise
wa tabâraka ismuka	and blessed is Thy name
wa ta'âla jadduka	and exalted is Thy majesty
wa la illaha ghayruk.	there is no deity to be worshipped but Thee
A'ôzu billahi minash-	I seek Allah's protection
shaytanir-rajim"	against the cursed Satan
(Transliteration)	(Translation)



Fig 3.-*Qiyam* position

After this, the *Fatiha* (the Opening Chapter of the Quran) is recited in the same position. It runs as follows : -

"Bismillahir-rahmanir-rahim, al hamdu lillahi-rabbil-'alamin, ar-rahmanir-rahim, maliki-yawmid-din, iyyâka na'bodu wa iyyaka nasta'in, ihdinassirátal- 'mustaqeem. Siratal-lathina an'amta'alayhim ghayril-maghdubi 'alayhim walad-dallin.Ameeen".
(*Transliteration*)

"In the name of Allah the Beneficent, the Merciful. All praise to Allah (God), the Lord of all Worlds, the Beneficent, the Merciful, King of the day of reckoning. Thee only do we worship, Thee only do we seek for help. Guide us to the right path of those to whom Thou hast been gracious, not of those who are condemned nor those who are misguided". Amen. Be it so!! (Translation)

Then any portion of the Quran which the devotee may have learnt by heart is recited. Generally one of the shorter chapters of the Koran is repeated. The chapter termed *Al-Ikhlas* (sincerity) is recommended for those who are unacquainted further with the Quran. It runs as follows:

"Qul huwallâhu ahad Allâhus-samad lam yalid wa lam yulad wa lam yakun lahu kufuwan ahad". (Transliteration)

"Say: He (Allah) is one, Allah is the Support. He begets not nor is he begotten; and none is like unto him". (Translation)

3. Then, saying Allâhu akbar (Allah is Greater), the devotee lowers his head down, so that the palms of the hands reach the knees. In this position which is called ruku', that is bending (see Fig. 4), words expressive of the Divine glory and majesty are repeated three times. They are the following:

"Subhana Rabbiya.al-'azim wa bihamdih". (*Transliteration*)
"Glory to my Lord the Great and Praiseworthy". (*Translation*)

4. After this posture the standing position is resumed (see Fig. 5) but unlike the qiyam position, the hands being placed on either side, with the following words : -

"Sami'a-Allahu-liman hamida.
Allahumma wa lakal-hamd".

(*Transliteration*)



FIG. 4.-Ruku' posture

"Allah accepts him who praises him. O our Lord, Thine is all praise". (*Translation*)



FIG.5.-Resumed Standing position

5. Then the devotee prostrates himself, the fingers of both feet, both knees, the nose and the forehead should be touching and resting on the ground, while the following words expressing Divine greatness are uttered three times (see Fig. 6) :

"Subhana Rabbiyal-a'la wa be-hamdih".

(*Transliteration*)

"Glory and praise be to my Lord, the Highest".

(*Translation*)

The following words are added: -

"Allahumma ighfirli", i.e. O Lord! Grant me Thy forgiveness. This is called the first sajda (first prostration) (see Fig. 6).

6. Then, raising his hands and body and sinking backward upon his heels, and placing his hands upon his thighs, he says the Takbir, i.e. Allahu akbar (God is Greater). This is called the first jalsa the first sitting (see Fig. 7).



Fig. 6.-the first sajda



FIG. 7.-the first jalsa

7. Then the devotee performs another sajda (see Fig. 8), the same as the first, as described before, with the repetition of the same expression also three times: *"Subhana Rabbiyal-a'la wa bi-hamdih"* (Glory and praise be to my Lord the Highest).

At the close of one rak'a, the worshipper should repeat the takbir while standing; but at the end of two rak'ats and at the close of the prayer, he repeats it sitting "Allahu akbar" (God Is Greater), as in Fig. 7.

8. Here ends one rak'a. The devotee then rises, and assumes a standing position for the second rak'a which is finished in the same manner as the first, but instead of assuming a standing position after the second rak'a he sits down in a reverential position (see Fig. 9).

At the close of each two rak'as, the worshipper sits down to recite the tahiyat or the glorification of the Divine Being (see Fig. 9), and utters the

tashah-hud, or bearing witness. Both tahiyat and tashah-hud run as follows: -

"At-tahiyatu lillah, wassala-watu wattayibatu, Assalamu 'alayka ayyuhannabiyu wa rahmatullahi wa barakatuh. Assalâmu 'alayna wa 'ala 'ibad-illah-isallahin. Ash-hadu an là-illaha-illa-Allah wa ash-hadu anna Muhammadan-'abduhu Wa Rasuluh". (*Transliteration*)



FIG. 8.-The second sajda



FIG.9.-Tahiyât and tashah-hud posture

"All prayer and worship, rendered through words, actions and good deeds, are due to Allah. Peace be upon you, O my Prophet, and the mercy of Allah and His blessings may be showered upon you. Peace be to us and to the righteous servants of Allah. I confess that there is no deity but Allah (God) and that Muhammad is His servant and His Apostle".

(*Translation*)

9. If the devotee intends to perform more than two rak'ats, he then stands up, but if he has to say prayer only for two rak'ats, he repeats also the following prayer of blessings for the Prophet: -

"Allahumma salli "ala Muhammad wa ala ali-Muhammad kama sallayta 'ala Ibrahim, wa 'ala ali-Ibrahim, innaka hamidon majid. Alahumma barik 'ala Muhammad wa 'ala ali-Muhammad kama barakta "alaIbrahim wa 'ala ali Ibrahim innaka hamidon majid".

(*Transliteration*).

"O my Lord! Kindly magnify your favour upon Muhammad and the family[1] of Muhammad as Thou didst magnify Thine blessings upon Abraham and the family of Abraham. O my Lord! Kindly bless Muhammad and the family of Muhammad, as thou didst bless Abraham and the family of Abraham, for surely thou art the most Laudable and Glorious". (*Translation*)

The following supplication is recommended to be also added to the above:

"Rabbij'alni muqim-assalati wa min thor-riyati, rabbaan wa taqabaldu'ai; rabbanagh-firli wa li wa-lidayya wa lilmu'minina yawma yaqumul-hisab" (*Transliteration*)

"Oh my lord, Make me to keep up prayer to thee and grant that my offspring keep up prayer, too. O my Lord! Kindly accept my supplication. O my Lord! Forgive my sins and those of my parents and those of the faithful when the day of reckoning shall come"

(*Translation*).

10. This closes the two rak'ats' service which ends by the salam or the greeting, Thus, turning the head round to the right (see Fig. 10).

The worshipper says, addressing any visible or Invisible creature of God on his right:-.



FIG 10-First *salàm*

"Assalumu Alaykom wa rahmatul-lahi wa barakatuh" (*Transliteration*)

"Peace and mercy of God be upon you". (*Translation*).

Then, turning the head round to the left, the devotee repeats the salam with the same intention as above (see Fig. 11).

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[1] Family also means those believers who are dutiful to God




FIG. 11-Second Salam



FIG.12.-Munâjat posture

At the close of the whole set of the stated prayers, the worshipper raises his hands and offers up some munajat or supplication. This usually consists of prayers selected from the Quran or traditions of the Prophet. If possible they ought to be said in Arabic; or, if not, in the vernacular (Fig. 12).(1)

Such supplications were highly commended by the Prophet, who was related to have said, “Supplication is the marrow of worship”. And he also said: - “Verily your Lord will not admit that his servants when they raise their hands in supplication should return them empty”, i.e. without the supplication being accepted from the righteous.

THE STATED DAILY PRAYERS

The daily prayers are either *fard*, *sunna*, *nafl* or *witr*. *Fard* prayers are those rakats, as are enjoined by God. *Sunna*, those founded on the practice of the Prophet; although they are desirable, they are not obligatory. *Nafl* prayers are the voluntary performances of two rak’ats, or more, which may be omitted without sin. *Witr* prayers are an odd number of rak’ats either one or three, said after the ‘isha or night service. These divisions of prayer are entirely distinct from each other. They each begin with the *niyya* (*intention*).

The five stated times of prayers are known as zuhr, ‘asr, maghrib, ‘isha and fajr. There are also three voluntary periods called ishraq, douha and tahajjud. The following table shows the exact number of rak’âts to be performed at each service:-

(1) Imploring God for any help the worshipper is in need of will do.

TABLE SHOWNG NUMBER OF RAK'ATS

No.	Prescribed Period	Name of Prayer/Time	Number of rak'at			
			Fard	Sunna	Witr	Remarks
	THE FIVE ENJOINED OR OBLIGATORY PRAYERS					
1	From dawn till sunrise	Fajr or morning	2	(o) 2		Before the Fard
2	From inclination of the sun to the west; and closes when the shadow of a person shall be in the length of his own stature	Zuhr or noon	4	(o) 2		Before the Fard
				(o) 2		After the Fard
3	From that time till the sun assumes a yellow appearance.	Asr or afternoon	4	(o) 4		Before the Fard
4	From sunset till the above appearance of the horizon disappears	Maghrib or Sunset	3	2		After the Fard
5	From that time till some moment before dawn	Isha or night	4	(o) 2		After the Fard
					3	After Sunna
	THE THREE VOLUNTARY PERIODS					
1	When sun has well risen	Ishraq			4	
2	From that time till about midday	Douha or sunshine			4	
3	After midnight	tahajjud			8	

NOTES

1. A fresh ablution is necessary only when a man has answered a call of nature or has fallen asleep.

2. If there are socks on, and they have been put on after performing an ablution, it is not necessary to take them off: the wet hands may be passed over them. The same practice may be resorted to in case the boots are on, but it would be more decent to take off the boots when going into a mosque. It is, however, necessary that the socks be taken off and the feet washed about once every twenty four hours.

3. The takbir, i.e. the utterance of the expression Allahu akbar (God is greater) is to be repeated on assuming every form of the rak'a as explained heretofore. This repetition is deemed necessary to serve as a reminder to the worshipper to keep alive to his prayer by presenting his inner man and consciousness throughout the period of the prayers concerned.

4. *Ghusl*, or washing the whole body, is a religious act of bathing the body after a legal impurity. It is founded upon the express injunction of the Koran (5: 6) which may be rendered in English as follows: "If you, i.e. the faithful and believers, are polluted then purify yourselves". The traditions and the sayings of the Prophet relate the occasions on which the Prophet performed the ceremony of ghusl or bathing. The Muslim teachers of all sects are unanimous in prescribing the washing of the whole body after the following acts, which render the body *junub* or impure: (1) *hayd* (menses); (2) *nifas* (puerperium); (3) *jima'* (sexual intercourse); (4) *ihtilam* (pollutio nocturna). It is absolutely necessary that every part of the body should be washed; otherwise the ghusl ceremony is rendered incomplete.

5. *Ghusl masnun* or washing is meritorious, though not enjoined as an absolute Islamic necessity. Such washings are founded on the precept and practice of the Prophet, although they are not supposed to be a Divine institution. They are four in number: -

a) Upon the admission of a convert to Islam.
b) Before going to mosque to perform Friday prayer, and on the great two religious festivals, i.e. the two eids -Bairams-, the one occurring after the close of the fasting month of Ramadan, and the other on the day following that on which the pilgrims perform their pilgrimage.
c) After washing the dead.
d) After blood-letting.

6. *The Friday Prayer Service.*

The Friday prayer is held at the time of *zuhr* (noon) for it takes the place of the Sabbath of some other religion, and it substitutes the stated *zuhr* prayer. The four *rak'ats* said in the *zuhr* are reduced to two *rak'ats* preceded by a *khutba* (sermon), given by the imam (chaplain of the mosque) exhorting the Muslims to goodness and to be dutiful to God, and showing them the means of their moral elevation and dwelling upon their national and communal welfare.

Salat al-jum'a or Friday service is enjoined on Muslims by Divine command in the Koran (62: 9-11), where the believers are required, when the call is made to prayer on Friday *"to hasten to the remembrance of*

Allah and leave off traffic for the time being; and when the prayer is ended they can disperse in the land to rejoin their material and physical activities".

The Friday service must be said in a mosque, if any, or in congregation, but not performed in private. If a Muslim cannot join the public Friday service for any lawful reason, he has to reform by saying the normal *zuhr* (noon) prayer of four *rak'ats*. The reasons freeing a Muslim of attending the public Friday prayer are either sickness or heavy rainfall causing great difficulty in going to the mosque.

7. *The "Qunut"*

The *qunut* is a prayer recited at the close of the *'isha* (night) stated prayer, while the worshipper is still assuming his standing position (see Fig. 4) at the third *rak'a* of the *witr* posture. The most well known *qunut* is the following: -

"Allahuma ih-dina fi-man hadayta, wa `afina fe man `afayta, wa tawallana fi-man tawal-layta, wa barik lana fi ma a'tayta. Wa qina shar-ra ma qadayta fa-in-naka taqdi wa la yuqda alayka, wa in-na-hu la yazillu man wal-layta, wa la-ya-'izzu man `addayta, nastaghfi-ruka wa natubu ilayka wa sallal-lahu `ala nabiyina Muhammad 'ala alihi wa sahbihi wa sallam". (*Transliteration*)

"O Allah! Guide us among those whom Thou hast guided and preserve us among those whom Thou hast preserved in good health and befriend us among those Thou hast befriended, and bless us in all Thou hast granted to us; and protect us from the evil of all Thou hast judged as evil; for surely Thou art the only judge, and none can judge against Thine judgment. O Allah! Your increasing blessings and favors upon our Prophet Muhammad and upon his family and upon his disciples".

(*Translation*)

Another recommended style of Qunut

The following supplication of *qunut* is also commonly adopted:

"Allahumma inna nasta'inu-bika wa nastaghfiruka wa nu'minu bika

wa natawakkalu 'alayka wa nuthni 'alaykalkhayra wa nashkuruka wa la nakfuruka wa nakhla'u wa natrukku man yakfuruka. Allahumma iyyaka na'budu wa laka nusalli Wa nasjud Wa ilayka nas'a Wa nahmid wa narjü rahmataka wa nakhafu 'athâbaka inna 'azabaka bil-kuffari muhlika."
(*Transliteration*)

"O Allah! We beseech Thy help and Thy forgiveness as we are faithful to Thee and depend wholly upon Thy Divinity. We laud Thee in the best. We thank Thee and shall never forget Thy favors. We cast off and forsake him who is unmindful to Thee. O Allah! We worship none but Thee. To Thee we pray and make obeisance and to Thee do we flee promptly. We hope for Thy mercy and we fear Thy punishment for surely Thy punishment overtakes the infidel". (Translation)

SPECIAL SERVICE

In addition to the stated daily prayers and the Friday prayer, there are special services for special occasions as given below:

1. *Salatul-Musafir* (Prayers for the Traveller): - Two *rak'ats* instead of the usual number of the noon, afternoon, and night prayers; the *maqhrib* (evening prayer) always remaining the same, i.e. three *rak'ats*.

2. *Salatul-Khauf* (Prayers of Fear): - This is said in war-time. They are two *rak'ats* recited first by one regiment or company and then by the other.

3. *Salatul Tarawih*: - Eight *rak'âts* are performed every evening during Ramadan, the fasting month, immediately after the fifth daily prayer, the *'isha*, or before the dawn.

4. *Salatul-Istikhara* (Prayers for Guidance): - The person who is about to undertake any special business performs two *rak'âts* just when he goes to bed. During his sleep, he may expect to receive some divine *ilham* (inspiration) on that, for which he seeks guidance.

5. *Sallatul-Janazah* (Prayers at a Funeral for the Dead):- This

liturgical special service is founded upon very minute instruction given by the Prophet, which are recorded in the *hadith* (traditions). The Muslim funeral service is not recited in the graveyard, but either in a mosque or in some open space near the dwelling of the deceased person or the graveyard. The nearest is the proper person to lead the service, but it is usually conducted by the family imam, or by a learned man.

The following is the order of the service: -

Someone present calls out: "Here begin the prayers for the dead".

Then those present arrange themselves in one, two or three rows or more, as the case permits, opposite the corpse, with their faces qibla-wards (i.e. towards Mecca). The imam or leader stands in front of the ranks opposite the head of the corpse.

The whole attendants having taken the standing position, the imam opens the service by saying : -

"I purpose to perform for this dead person, prayers to God consisting of four *takbirs*".

Placing his hands to the lobes of his ears, he recites the first *takbir*: God is greater.

Afterwards, he folds his hands below his breast, and recites the *tasbih* or Holiness to God, thus:-

Subhanakal-lahumma	"Holiness to Thee O Allah
Wabi hamdika wa	And to Thee be praise!
Tabarakas-muka	Blessed is Thy name.
Wa la ilaha Ghairuka	High is Thy greatness.
There is no deity but Thee".	

Next, he recites the *faitiha*, (the Opening Chapter of the Koran). Here ends the first *takbir*. Then follows the second *takbir*: God is greater.

The imam recites, thereafter, the *salatu'alan-nabi* (prayer for the prophet), thus:-

"O Allah, we invoke your increasing blessing and peace upon our prophet Muhammad and upon his family, as Thou didst bestow your blessings and peace upon the Prophet Abraham and his family, Thou art praised and Thou art great".

Here ends the second *takbir*.

Then follows the third *takbir*: God is Greater, after which the following prayer is recited: -

"O Allah, we beseech you to forgive the sins of this dead and have mercy upon him/her. He/she was faithful to Islam. He/she believed in Thine oneness and in the Message of the Prophet".

Here ends the third *takbir*. Then follows the fourth *takbir*: God is greater, after which the following prayer is recited: -

"O Allah, forgive our living and our dead and those of us who are present and those who are absent. O Allah, those whom Thou dost keep alive amongst us, keep alive in Islam, and those whom Thou causest to die, let them die in the Faith of Islam."

Turning the head round to the right, the imam says the *salam*; Peace and mercy be to Thee. Then turning the head round to the left, he repeats the *salam*-- peace and mercy be to Thee.

The *takbirs* are recited by him aloud, but the *tasbih*, the *salam*, and the prayers are recited by him and by the people attending the funeral in a low voice.

The attendants then addressing the relatives, they say: "It is the decree of God", to which the chief mourner replies: "I am pleased with the will of God". He then gives permission to the people to retire by saying:

"God rewards you for your attendance", and they reply by saying "God grants you better rewards and give you patience and long life".

Those who wish to return to their own business may do so at that

time, and the rest proceed to the grave. Lastly the corpse is placed on its back in the grave, with the head to the north and feet to the south, the face being turned towards the qibla (Mecca). The persons who place the corpse in the grave repeat the following sentence: "We commit Thee to earth in the name of God and in the religion of the Prophet".

The bands of the shroud having been loosened, the recess, which is called *lahd*, is closed in with unburnt bricks and the grave filled in with earth. In most Muslim countries, it is customary to recite the verse 55 of the 20th Chapter of the Quran while throwing the clods of earth into the grave. The verse may be rendered as follows: "From it (the earth) have We (God) created you, and unto it will We return you, and out of it will We bring you forth the second time".

After the burial, the people offer a recital of the *fâtiha* in the name of the deceased.

Note: - If the grave be for the body of a woman, it should be to the height of a man's chest; if for a man, the height of the waist should be followed. At the bottom of the grave, the recess is made on the side to receive the corpse.

May peace and mercy of Allah be showered upon the faithful dead! May Almighty God grant the believers such a long life to be spent as it should be in the worship of Him and in the service of humanity!

Chapter (2)

ZAKAT OR LEGAL ALMS

Every religion of the world has preached charity, but, like prayer, there is in Islam some method or regularity given to this institution, so that it has assumed a permanence which is not encountered anywhere else. Islam makes charity obligatory and binding upon all those who embraced the Muslim faith. Here we have a brotherhood into which the rich man cannot enter unless, and until, he is willing to give part of his possessions for the support of the poor and the needy members of the community.

The enjoinment upon the rich to pay *zakât* to the poor subjects him to a practical test, by which a real brotherhood is established between the rich and the poor.

In its primitive sense, the word *zakât* means purification, whence it is also used to express a portion of the property bestowed in alms, as a sanctification of the remainder to the proprietor. It is an institution of Islam founded upon an express command of the Koran, as one of the five foundations of practical religion.

It is a religious duty incumbent upon any person who is free, adult and a Muslim, provided that he is possessed in full property of such estate or effects as are termed, in the language of the Law, *nisab*, i.e. fixed amount of property, and that he has been in possession of the same for the space of one complete year. The *nisab* or fixed amount of property upon which *zakât* is due varies with reference to the different kinds of property in possession detailed in the present article.

The one complete year in which the property is held in possession is termed in the Law as *Holol-Al-Hawl*, i.e. the return of duration.

Zakât is not incumbent upon a man, against whom there are debts equal or exceeding the amount of his whole property, nor is it due upon the necessaries of life, such as dwelling-houses, articles of clothing, household furniture, cattle kept for immediate use, war prisoners employed as actual servants, armor and weapons designed for present use, or upon books of science or law used by scholars, or upon tools used by craftsmen.

Zakât is incumbent upon the *nisab* of the following possessions:-

(*a*) Camels. (*b*) Bulls, cows and buffaloes. (*c*) Sheep and goats. (*d*) Horses. (*e*) Silver. (*f*) Gold and silver ornaments. (*g*) Cash, Bank-notes, etc... (*h*) Articles of merchandise. (*i*) Mines or buried treasures. (*j*) Fruits of the earth.

The following is the *nisab* or proportionate property, upon which *zakât* is due on the above various possessions:-

ZAKAT

(a) **Camels**

Zakât is not due upon less than five camels; and upon five camels it is one goat or sheep, provided that they subsist upon pasture throughout the year; because *zakât* is due only upon such camels living on pasture and not upon those which are fed in the home of the forage. One goat or sheep is due upon any number of camels from five to nine: two goats for any number of camels from ten to fourteen; three goats for any number from twenty to twenty-four. Upon any number of camels from twenty-five to thirty-five, the *zakât* is a *bint-makhât*, or a yearling female camel; from thirty-six to forty-five, a *bint-labün*, or a two-year old female camel; from forty-six to sixty, a *hoqqa*, or a three-year- old female camel; from sixty-one to seventy-four, a *jaza'a*, or four-year-old female camel ; from seventy-five to ninety, two female two-year-old colts. When

the number of camels exceeds one hundred and twenty, the *zakât* is calculated by the afore-said rule.

(b) **Bulls, Cows and Buffaloes**

No *zakât* is due upon fewer than thirty cattle. Upon thirty cattle which are fed on pasture for the greater part of the year, there is due at the end of the year a *tabi'a*, or one year-old calf; and upon forty is due a *musinna*, or a calf of two years old; and where the number exceeds forty, the *zakât* is to be calculated according to this rule. For example, upon sixty, the *zakât* is two yearling calves; upon seventy, one *tabi'a* and one *musinna*; upon eighty, two *musinnas*; upon ninety, three *tabi'as* and one *musinna*; and thus upon every ten heads of cattle a *musinna* and a *tabi'a* alternately. Upon one hundred and nine, the *zakât* is two *musinna* and one *tabi'a* and upon one hundred and twenty, four *tabi'as*.

The usual method, however, of calculating the *zakât* upon large herds of cattle is by dividing them into thirties and forties, imposing upon every thirty-one: a *tabi'a* or upon every forty- one: a *musinna.*

(c) **Sheep and Goats**

No *zakât* is due upon less than forty which have fed the greater part of the year on pasture, upon which is due one goat or sheep, until the number reaches one hundred and twenty ; for one hundred and twenty-one to two hundred, it is two goats or sheep; and above this, one for every hundred.

(d) **Horses**

When horses and mares are kept indiscriminately together, for the greater part of the year on pasture, it is the option of the proprietor to give one *dinar* (a *dinar* is worth about ten shillings or fifty Egyptian piasters)(*) per head of the whole, or to estimate the whole and give five percent upon the total value. No *zakât* is due upon droves of horses consisting entirely of males, or entirely of mares. There is no *zakât* due upon horses or mules unless they are articles of merchandise, nor is it due

(*) In 2007, it is approximately 400 Egyptian pounds, which is equal $70.

upon war horses, or upon beasts of burden, or upon cattle kept for drawing ploughs and so forth.

(e) **Silver**

It is not due upon silver of value less than two hundred *dirhams* (a *dirham* is equivalent to 3.12 grams), but if one be possessed of this sum for a whole year, the *zakât* due upon it is five *dirhams* till such excess amounts to forty, on which the *zakât* is one *dirham*, and for every succeeding forty, one *dirhams*. These *dirhams* on which silver predominates are to be accounted silver, and the laws respecting silver apply to them, although they should contain some alloy; and the same rule holds with regard to all articles falling under the denomination of plate such as cups and goblets.

(f) **Gold and Silver Ornaments**

No *zakât* is due upon gold under the value of twenty *mithqals*[1] and the *zakât* due upon twenty *mithqals* is half a *mithqal*. When the quantity of gold exceeds twenty *mithqals*, on every four *mithqals* above twenty are due two *qiráts*[2], and so in proportion.

Zakât is due upon gold and silver bullions and upon all gold and silver ornaments and utensils.

(g) **Cash, Bank-notes, etc.**

No *zakât* is due upon notes, etc., the value of which does not exceed twelve Egyptian pounds[*] or its equivalent of foreign currency. And the *zakât* due upon a value of twelve pounds and upwards is two and a half percent of the total money remaining idle in possession for the duration of one year.

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(1) A *Mithqal* is equivalent to 4.68 grams

(2) A *Qirat* equals one-sixteenth of a dirham, or 0.195 grams

(*) This was in 1957. In 2007, the value is approximately 10.000 Egyptian pounds, which is equal to $1500.

(h) **Articles of Merchandise**

Articles of merchandise should be appraised, and a *zakât* of two and a half percent paid upon the value if it exceeds two hundred *dirhams* of silver in value.

(i) **Mines or Buried Treasure**

Mines of gold, silver, iron, lead or copper are subject to a *zakât* of one-fifth, but if the mine is discovered within the precincts of a person's own home, nothing is due. And if a person finds a deposit of buried treasures, one-fifth is due upon it.

No *zakât* is due upon precious stones.

(j) **Fruits of the Earth**

Upon everything produced from the ground, there is one- tenth whether the soil be watered by the overflow of rivers, or by periodical rains, excepting the articles of bamboo, and grass, which are not subject to the tithe. If the soil is watered by means of buckets, machinery, or watering camels, etc., the *zakât* is one- twentieth.

Honey and fruits collected in the wilderness are subject to tithe.

The *zakât* is received by collectors duly appointed by the State although it is lawful for the possessor to distribute his alms himself.

If a person comes to the collector and makes a declaration upon oath as to the amount of his property or his having himself distributed the alms due, his statement is to be credited.

EXPENDITURE OF INCOME FROM ZAKAT

As regards the expenditure of income from *zakât,* eight heads are mentioned in the Holy Koran (9: 60): -

1. The poor.
2. The needy.

3. Those in debt.
4. Ransoming of captives (prisoners of war).
5. The wayfarer.
6. The officials appointed in connection with the collection of *zakât*
7. Those whose hearts are to be harmonized by material support.
8. The way of God

A few words may be added to explain the above:

1. The poor are those who are unable physically or otherwise to earn their living.
2. The needy are those who may be able to earn their livelihood but lack the means as implements, etc.
3. By those in debt are meant persons who may be able to support themselves, but if they are in debt, their debts may be paid off from the *zakât* fund.
4. The captives are those who are taken prisoners in war. A portion of the *zakât* fund must go for their release.
5. The wayfarer is a traveler who though in well-to-do circumstances, stands in need of help in a strange place or country; hence a part of the *zakât* income must be spent on such a person.
6. The officials who collect *zakât* are members of the staff appointed officially to manage its collection as well as the management of its expenditure; hence their wages are also to be paid out of the *zakât* fund.

7 & 8. The last two heads mentioned in the Koran, namely those whose hearts are to be harmonized and the way of God, refer to the propagation of the Faith. With respect to the preaching of a religion, there is always a class of people who are ready to listen and ready to embrace Islam when they are preached to, but who, in the meantime, have to forego material advantages which are very difficult for them to relinquish. These persons are spoken of in the Koran as those whose hearts are to be harmonized or united by giving them such a portion of the *zakât* fund to reassure them. By the way of God is meant the advancement of the cause of Islam or the defense thereof. Under this head, therefore, *zakât* may be spent for the propagation of the religion of Islam and to meet the objections advanced against it.

The above laws covering the institution of *zakât* principle in Islam are detailed according to the *Hanafi* Schools of Muslim Jurisprudence, but the differences amongst the teachings of the rest of the *Sunni* Schools of Muslims are but small and even insignificant.

However, the recognition of paying the wages of the staff employed in connection with the poor-tax (*zakât*) from that revenue is clear in order to denote that the institution is meant for raising a public fund, of which the management should entirely be in the hands of a public body, although it is lawful for the possessor to distribute his alms himself: and if he makes declaration on oath to this effect, his statement is to be credited.

SUPPLEMENTARY NOTES

1) *Zakât* is not a state tax

As already mentioned in the foregoing chapter, the scope of *zakât* is clearly set forth in the Holy Quran, and, therefore, must not be confounded with other forms of compulsory taxes imposed by the State on its Muslim and non-Muslim citizens alike.

In the first place, *zakât* is not a tax imposed by the State. Nor is *zakât* a tax destined to the State as such. The very nature of the institution of *zakât* requires that the part, which the State is to play in the function thereof, is merely one of "Supervision" and not of full control, as is the case where government taxes are concerned.

The difference between supervision and full control is that the latter would imply the right to increase or modify the tax, to extend or limit its scope, to suspend the imposition thereof, or even to abrogate it altogether, whereas, in its role of supervision, the right of the State is only to enforce observance of the Divine Law as directed by the precepts of the Koran and the instructions of the Prophet.

2) Practical applications of *zakât*

Zakât attaches exclusively to productive wealth that is represented by:

a) Agricultural produce.

b) Pasturing domestic animals.
c) Things constituting ready medium of exchange, such as silver, gold and money invested (in trade capital, in cash and articles of merchandise) or kept as savings.

The law of *zakât* considers the productivity of wealth as either potential or actual, the former, inhering in such wealth as silver, gold and money kept as savings, and the latter is actual productivity inhering in such wealth as agricultural produce, pasturing domestic animals and invested money, i.e. trade capital in articles of trade.

3) Cause and Object of *Zakât* Act

The cause of *zakât* act is the productivity of wealth existing in a quantity, number, or value, equal to or above the established taxable limits. The object of *zakât* is the profession of Islam by the legitimate owner of wealth under taxation.

4) Responsibility for *Zakât* Payment

Zakât is an act of worship; it being an obligatory impost on Muslim-owned wealth, the *zakât* must be discharged regardless of age or state of mind.

Where adult Muslims are concerned, the responsibility devolves directly upon the legitimate owner of the wealth; where minors or insane persons are concerned, it lies with the legal guardian or custodian thereof, as the case may be. Where the *zakât* of wealth belonging to minor children is concerned (as, for example, in the case of wealth inherited from the mother), the responsibility for the payment of dues rests with the person entrusted with the care and administration thereof (i.e. the child's father, or any other responsible person) until the child comes to full age.

The same ruling applies to Muslim orphaned children or Muslim men or women, where the responsibility of payment of *zakât* rests with the legal guardian or custodian as the case may be.

Trade capital, that is to say both the reserve and working capital (i.e. money and articles of trade) belonging to individuals or companies, is also subject to the payment of *zakât*, wherever its value is equal to or above the minimum taxable limit.

Where private ownership of business concerns is involved, responsibility for the payment of dues rests with the owner or owners; where endowments are concerned, such responsibility rests with the individual or committee entrusted with the administration of the establishment or concern in question.

5) Exempt from *Zakât* Dues

It is one of the fundamental doctrines of Islam that the needy and poor citizens of any Muslim community have an inherent right in the wealth of every Muslim of means, and nowhere in the Koranic text is any justification to be found for exempting the wealth owned even by minors, orphans or persons of unsound mind.

However, all establishments privately owned or endowed, which are either totally devoted to charitable purposes (i.e. hospitals, orphanages, homes for the poor, disabled and old people etc.), or to the service of humanity (i.e. scientific research, free educational institution), are naturally exempt from the obligation of paying *zakât*, as by their very nature they fulfill the purpose to which the proceeds of *zakât* are dedicated. Likewise wealth which has been purposely set aside to cover the expenses of a first pilgrimage to the Holy *Ka'ba* is exempt from taxation, regardless of the period of time during which it remains suspended. Subsequent pilgrimages being purely optional, wealth set aside to cover expenses of the same is considered as savings, and, therefore, it is subject to taxation of *zakât*, where the quantity or value is equal to or above the minimum taxable limit.

6) Factors of Responsibility

The person subject to taxation must be:-

a) An avowed Muslim (non-Muslims being exempt from such taxation).
b) Of sound mind.
c) A person enjoying full freedom of action. If, for any reason, he/she be under any kind of duress, his or her responsibility remains suspended until full freedom of action is recovered.

Chapter (3)

FASTING

Fasting is one of those religious institutions which, though universally recognized, have had quite a new meaning introduced into them by the advent of Islam. Fasting was generally resorted to in times of sorrow and affliction, probably to appease any angry 'deity' by the heathen! In Islam, fasting is enjoined for the moral elevation of man and for his spiritual development. The object is made clear in the Holy Koran itself, where fasting is enjoined upon Muslims. Verse 183, Chapter II of the Koran is interpreted as follows: "O you who believe! Fasting is prescribed for you, so that you may be more able to guard against evil". The Holy Koran does not content itself with simply enjoining the doing of good and refraining from evil, but teaches man the ways by walking in which the tendency to evil in him can be suppressed and the tendency to good improved. Fasting is one of these means. Hence fasting in Islam is not simply abstaining from food, but also from every kind of evil. In fact, abstention from food is but a step to make a man realize - if he can, in obedience to divine injunctions, abstain from food and drink which are otherwise lawful for him - how much more expedient it is he should refrain from evil, the consequence of which is no doubt evil. Fasting is actually like a sort of training of man's faculties, for as every faculty of man requires training to attain its full force, the faculty of submission to the Divine Will should also require to be trained. Fasting is one of the means by which this is achieved.

In addition to that specified training, fasting has its physical advantages. It not only prepares man to bear hunger and thirst and thus to accustom himself to a life of hardship and frugality, so that he may not be

too much given over to ease, but also exercises a very good effect upon health in general. It is a well-known teaching of the Prophet of Islam that hunger is the best cure to many ailments; this is a fact proved and defended nowadays by recent medical authorities. The injunction of fasting as a religious institution and a devotional practice in Islam is dealt with in the Koran in the second Chapter. Verse 183 thereof teaches that fasting is a religious institution almost as universal as prayer; and in Islam it is one of the four fundamental practical ordinances, the other three being prayer (*salát*), poor-tax (*zakât*) and pilgrimage (*hajj*). The Koran teaches that fasting was enjoined on nations by the Prophets who passed before the Holy Prophet Muhammad. In the Bible it is stated that fasting has in all ages and among all nations been an exercise much in use in times of mourning and affliction. Fasting has also been in vogue among the Hindus. Even Christians, who assume that they have no need of any religious exercise on account of Jesus' atonement, are commanded by that Holy Prophet to keep the fasts: "Moreover, when ye fast, be not, as the hypocrites, of a sad countenance. But thou, when thou fastest, anoint thy head and wash thy face" (Matt., 6: 16, 17). Again when the Pharisees objected to Jesus' disciples not keeping the fast as often as John's, his only answer was that when he would be taken away "then shall they fast in those days" (Luke, 5: 38-35).

But Islam has introduced quite a new meaning into the institution of fasting. Before Islam, fasting meant the suffering of some privation in times of mourning and sorrow; in Islam, it becomes an institution for the improvement of the moral and spiritual character of man. This is plainly stated in the concluding words of the verse of the Koran bearing on the privileges of the enjoinment, viz. "*So that you may guard against evil doings*". The object is that man may learn how he can shun evil. As already stated all the institutions of Islam are actually practical steps leading to perfect purification of the soul. But along with moral elevation, which is aimed at fasting, another object is hinted at. In fact, the twofold object is that Muslims may be able to guard themselves: (a) morally and spiritually, against evil, for he who is able to renounce the lawful satisfaction of his desires in obedience to Divine Commandments, certainly acquires the power to renounce unlawful gratification; and (d) physically against the opponents of the Muslims by habituating themselves to suffer tribulations which they must suffer in defense of the cause of Islam.

The number of days of fasting is definitely stated in verses 184, 185 and 186 of Chapter II of the Quran, namely twenty-nine or thirty days of the month of Ramadan, the ninth month of the lunar calendar. But, whoever is temporarily sick or on a journey during the month of Ramadan, he shall fast a like number of other days. As regards those who cannot keep the fast on account of persistent or longstanding disease or who are too old or weak, including in this class the woman who is with child or who gives to suck, the practice is to give away the measure of one man's food to a poor man every day during the whole month. It is pertinent to observe here that doing good to others (charity or otherwise) is enjoined in addition to fasting during the month of Ramadan. We are told that the Holy Prophet who was universally recognized for his charity was most charitable during the month of Ramadan.

The number of days of fasting, as already stated, is either 29 or 30 days according as the lunar month of Ramadan may contain. Lunar months are not always the same with regard to their number of days. As to the duration of each day of the month of fast, it is from dawn to sunset. Nothing whatsoever is allowed to be eaten or drunk within that duration. Sexual intercourse is also strictly forbidden. But it is made lawful to go to the wives during the night of the fast.

It is meritorious to cut oneself from worldly connections during days of the month of Ramadan, passing day and night in a mosque. This practice is known as *i'tikaf*, i.e. seclusion. It is however, voluntary and not obligatory.

Important question arises regarding such countries in which the days are sometimes very long-from dawn to sunset where it would be beyond the ability of ordinary men to abstain from food from the breaking of dawn to sunset. In this case a Muslim is allowed to keep the fast only for such hours of fasting as they are kept in ordinary countries. However, in cases of extraordinary difficulties, Muslims may postpone the fast to days of shorter length.

Chapter (4)

PILGRIMAGE

PILGRIMAGE AS A FUNDAMENTAL INSTITUTION

PILGRIMAGE to Mecca is performed in the month of *Thul Hijja*, the twelfth month of the Mohammedan year. It is the fifth pillar of the Muslim practical religion and an incumbent religious duty, to be performed once during life-time. It is founded upon express injunctions in the Koran. It is a divine institution and has the following interpreted authority in the Koran for its due observance: -

"And proclaim to the people a pilgrimage. They will come to you on foot and on every fleet camel coming from remote defile".(Koran: 22: 27)

"The rites of pilgrimage are performed in the well-known months, so whoever determines the performance of the pilgrimage therein, let him not to transgress by intercoursing with women, or by making unlawful dispute or any wrangling, and whatever good you may do, God certainly knows it. And: make provision (for your journey); but the best provision is the fear of God: O men of understanding, be careful to your duty towards God".(Koran: 2: 197)

"It shall be no sin with you in seeking bounty[1] *from your*

(1) Bounty here stands for trading. What is meant is that there is no harm in seeking an increase of wealth by trading in Mecca in the pilgrimage season. Before the advent of Islam, fairs were held for trading purposes in the pilgrimmage season. The Muslims thought it a sin to take part in this, and they are told that trade was not forbidden to them even in these days.

Lord, so when you hasten on from Arafat then remember God Who has guided you, though, before, you were certainly going astray".(Koran: 2: 198)

"When you have performed your sacred rites, then laud[1] *God as you do your own fathers, or with a yet more intense lauding. But there are some people who say, our Lord, give us (our portion) in this world: but such shall have no portion in the hereafter".(Koran: 2: 200)*

"And some other people say, Our Lord, grant us good in this world and good in the next and save us from the chastisement of the fire".(Koran: 2: 201)

"These shall have the lot of what they have earned God is swift in reckoning".(Koran: 2: 202)

"The first house (mosque) founded for mankind is that of Mecca. Be it blessed! It is guidance to human beings".(Koran: 3: 96)

"And the pilgrimage to that mosque is a devotional sera, due to God, upon every one (Muslim) who is able to undertake the journey thither".(Koran: 3: 97)

ABOUT CERTAIN RITES OF THE INSTITUTION

Preparatory- Pilgrimage is a fundamental ordinance of practical devotion in Islam; and it represents the last stage in the progress of Muslim life. Of the principal requirements of the pilgrimage is what is called *ihram*, which represents the severance of all worldly connections. All these costly and fashionable dresses, in which the inner self is so often mistaken for the outward appearance, are cast off, and the pilgrim has

(1) In the days of ignorance, i.e. before the advent of Islam, the Arabs used to boast among themselves of the greatness of their fathers or forefathers after they had performed their pilgrimage. They were now bidden to laud God who would make them much greater than their forefathers.

only two seamless wrappers to cover himself, and thus shows that in his love for his master, he is ready to cast off all lower connections. The other important requirement is making circuits round the *Ka'ba*, called *tawaf* and running between two appointed small hills known as Al-Safa and Al-Marwa, called *sa'ey*. And these are all external manifestations of that fire of divine love which has been kindled within the heart, so that like the true lover the pilgrim makes circuits round the house of his beloved.

To call these movements of a true lover "puerile rites and ceremonies" as Christian writers do, is not only to show contempt for the Christ-like appearance of the pilgrim, but to deny that love to God is anything but mere talk.

Of the rites to be observed in connection with the institution of pilgrimage is the kissing of a monumental "Black Stone" when making certain appointed circuits round the *Ka'ba*. A few words are necessary to be added in order to clear away serious misunderstanding relating both to the *Ka'ba* and the Black Stone, which are the subject of wrong conclusions drawn by foreign writers.

These writers presume that the honor thus given to the *Ka'ba* is a remnant of the pre-Islamic Arab polytheism or idolatry. Even the idolatrous Arabs never worshipped the *Ka'ba*, though they had placed in it so many idols which they worshipped. It should also be borne in mind that the Black Stone which the Muslim pilgrims have to kiss while they are making their circuits round the *Ka'ba* was not of the Arab idols, nor can the kissing of it when performing the pilgrimage be looked upon as a remnant of idolatry. That stone stands only as a monument: "The stone which the builders refused is become the head-stone of the corner" (Ps.118: 22). Ishmael was looked upon as rejected, and the covenant was considered to have been with the children of Isaac or the Israelites, yet it was a rejected stone, for which the Black Stone at *Ka'ba*, the place where Ishmael was cast, stands for a monument, which was to become the "head-stone of the corner". The Black Stone is unknown so it is "The stone that was cut out of the mountain without hands" (Daniel, 2: 45). Jesus Christ made this very clear in the parable of the husbandman, when he plainly told the Israelites that the vineyard (i.e. the Kingdom of God) would be taken from them and given to "Other husbandry", i.e. to non-

Israelite people, immediately giving indication of that people in the words "Did you never read in the scripture: The stone which the builders rejected, the same is become the head of the corner? " (Matt., 21: 42) and again emphasized his objects in the words: "The Kingdom of God shall be taken from you and given to a nation bringing forth the fruits thereof" (Matt., 21: 43), thus showing that Jesus was referring to a rejected nation. Hence if the "Black Stone" is kissed it is not kissed as an idol or as a heathen God but as a monument of the rejection of a nation which was to become the "Corner Stone" in the Divine Kingdom.

SUNNI WAY OF PERFORMING THE PILGRIMAGE

As already stated, the enjoined pilgrimage to Mecca and the Sacred House of God, i.e. the Holy ancient Mosque, is performed in the month of *Thul Hijja*, the 12th lunar month of the A.H. Calendar, and the pilgrim must reach Mecca before the 7th day of that month.

As regards the formalities to be observed during the pilgrimage, every Muslim can easily learn them from the instructors, who are usually locally appointed by the authorities to instruct the laity pilgrims as to what to do, although the literate may get all information required on the rites to be observed by consulting the books of laws before leaving for their journey.

The following is a complete summary of the principal rites in connection with the institution of the pilgrimage as observed by the *Sunni* or Orthodox Muslims:

Upon the pilgrim's arrival at the last stage near Mecca, he bathes himself, and performs two *rak'ats* and then divests himself of his clothes to assume the pilgrim's robe, which is called *ihram*. This garment consists of two seamless wrappers, one being wrapped around the waist and the other thrown loosely over the shoulder, the head being always left uncovered[1]. Sandals may also be worn but not boots or shoes. After having assumed the pilgrim's garb, he must not anoint his head, shave

(1) But women must always keep their heads covered

any part of his nails, nor wear anything other than the *ihram*. The pilgrim having now entered upon the *hajj* (pilgrimage institution), faces Mecca and makes the *niyya* (intention) by saying:

"O God, I purpose to perform the *hajj*; make this devotional service easy to me and accept it from me".

He then proceeds on his journey to the sacred city and on his way, as well as at different periods during the pilgrimage, he recites or sings, alone or with the company of his fellow pilgrims, in a loud voice, the pilgrim's supplication called the *talbiya* (a word signifying waiting or keeping stand for orders). In Arabic it runs thus:

"Labbayka Allahuma Labbayk
Labbayka La Sharika laka labbayk
Innal-Hamda wan-ni'-mata laka wal-mulk
La sharika lak"

Which may be rendered in English as follows: -

"I stand up for Thy Service, O God. I stand up.
I stand up. There is no partner With Thee. I stand up.
Verily Thine is the praise, the blessing and the Kingdom.
There is no partner with Thee".

Immediately on his arrival at Mecca, the *hajj* performs legal ablution in the *Masjidul-Haram* (the sacred Mosque of Mecca) and then kisses the Black Stone. He then encompasses the *Ka'ba* seven times; three times at a quick step or run, and four times at a slow pace. These acts are called *tawaf* or the circuit, and are performed by commencing on the right and leaving the *Ka'ba* on the left. Each time as the pilgrim passes round the *Ka'ba*, he touches the *Ruknul-Yaman* or the Yemen corner, and kisses the Black Stone. He then proceeds to the *Maqâmu-Ibrâhim*, or the seat of Abraham, where he recites the verse 125 of the second Chapter of the Quran: *"Wat-takhithu min maqam Ibrahima Musallaa"*, i.e. "Take ye the station or seat of Abraham for a place of prayer", and performs prayers of two rak'ats.

He then goes to the gate of the Sacred Mosque leading to the Mount

Al-Safa, and from it he ascends the hill, reciting in a loud voice the verse 158 of the second Chapter of the Quran : *"In-nas-Safa wal Marwata min Sh'a-'ir-il-Lah"*, i.e. "Verily Al-Safa and Al-Marwa are counted as rites of the Divine Service of God". Having arrived at the summit of the hill, turning towards the *Ka'ba*, he recites the following; *"La ilâha-il-lal-Lah, La ilaha-il-lal-Lah wahdah, la sharika lah: sadaqa wa'dah wa nasara 'abdah; wa hazama.-ahzába wahdah, la ilaha il-lal-Lah"*, i.e. "There is no deity save God (Allah). There is no deity but Allah alone. He has no partner. He has executed His promise, and has given victory to His servant (Muhammad), and He has alone defeated the hosts of infidels. There is no deity save God".

These words are recited thrice. He then walks from the top of Mount Al-Safa to the summit of Mount Al-Marwa seven times, repeating the aforesaid supplication or prayer.

This is the sixth day, the evening of which is spent at Mecca, where he again encompasses the *Ka'ba* once.

On the seventh day he listens to the *khutba*, or oration, in the Sacred Mosque, on the excellence of the pilgrimage and the necessary duties required of all true Muslims. On the following day, which is called the day of *tarwiya*(1) (satisfying thirst), he proceeds with his fellow-pilgrims to a place called Mina, where he spends the night, performing the usual service of the Muslim rites.

On the next day, it being the ninth of the month, all pilgrims proceed to Mount Arafat where they spend the whole day, performing the midday and afternoon stated prayers, and hearing the sermon and spending the time in reciting the Koran or making humble supplications to God, asking His favor of forgiveness of their sins and soliciting His guidance to a virtuous life, etc. Before sunset the pilgrim leaves Arafat for a stage called *Al-Muzdalifa,* a place between Mina and Arafat, where he should arrive for the sunset and night prayers.

The next day, it being the tenth of the month and known all through

(1) The eighth day of the pilgrimage is so called because the pilgrims happen to give drinking water to their camels.

the Muslim world as *Yawmul-Nahr*, or the day of sacrifice and celebrated as the *'Eid-el-Ad-ha*, or the great feast known in the West as Kurban Bairam. Early in the morning, their prayers at *Al-Muzdalifa*, the pilgrims proceed to three monumental pillars at Mina. The pilgrim casts seven small stones or pebbles at each of these pillars, this ceremony being called *ramyol-jamarat*, or throwing of the pebbles. Holding the pebbles (which he can easily pick up from the sand at the locality), between the thumb and forefinger of the right hand, the pilgrim throws it at a distance of some fifteen feet, and says: "In the name of God, the Almighty, I do this, and in hatred of the devil and his sham". The remaining pebbles are thrown in the same way at each of the other pillars.

The pilgrim then returns to Mina and performs the sacrifice of the Bairam-*'Eid-el-Adha*. The victim may be a sheep, a goat a cow, or even a camel, according to the means of the pilgrim.

When slaughtering the animal, the pilgrim says in a loud voice: "*Allahu akbar*", "God is Greater. O God, accept this sacrifice from me".

This ceremony concludes the pilgrimage; and the *hájj* or pilgrim then gets himself shaved, his nails pared, and the *ihram*, or pilgrim's garment is taken off and replaced by the usual dress. Although the pilgrimage rites are over by this time, he should have rest at Mecca for the following three days, which are known as *ayyamul-tashriq*, or the days of drying up of the blood of the sacrifice - three well-earned days of rest after the peripatetic performance of the last four days.

Before leaving Mecca for good, the pilgrim should once more perform the circuits round the *Ka'ba* and throw stones at the satanic pillars at Mina seven times. He must also drink of the water of the famous well near the *Ka'ba*, known as *Zamzam* well.

The throwing of these stones or pebbles against the aforesaid monumental pillars represents a deeply rooted hearty intention on the part of the pilgrim, that he will never again follow the foot-steps of wicked, naughty or bad company or to listen to evil suggestions, usually known as the path of the devil or Satan. This practice can by no means be mistaken for an idolatry presentation. It is rather a meritorious act of self-suggestion.

Most Muslims then go to Al-Madina to visit the shrine of their Holy Prophet, and to distribute alms within their means and ability among the poorer citizens of the revered city.

From the time the pilgrim has assumed the *ihrâm* until he takes it off, he must abstain from worldly affairs and devote himself entirely to the duties of devotion. He is not allowed to hunt or kill game. He is prohibited to unite in sexual intercourse, make vainglory dispute, commit any unlawful act, or to use bad language or insulting words.

The appointed pilgrimage known as *hajj*, as already stated, can only be performed on the appointed days of the month of *Thul Hijjah*. But a visitation can be meritoriously made to the Sacred Mosque at Mecca at any time of the year; and in this case it is not called pilgrimage, but it takes the name of *'umra*, meaning visitation to the Holy Mosque.

If the pilgrim happens to arrive at Mecca as late as the ninth day of the month, he can still perform his dutiful pilgrimage legally if he can join the pilgrims when at Mount Arafat on that day.

The pilgrimage cannot be performed by proxy according to the *Sunni* or Orthodox School of Law. But if a Muslim on his death-bed bequeaths a sum of money to be paid to a certain person in order to perform the pilgrimage by proxy, this is considered as satisfying the claims of the Muslim Law.

It is regarded a highly meritorious act to pay the expenses of a poor Muslim who cannot afford to perform the pilgrimage.

If a Muslim has the means of performing the pilgrimage, and omits to do so, he is considered to have committed a great sin.

According to the sayings of the Holy Prophet, the merits of a pilgrimage to the Sacred Mosque (the house of Allah at Mecca) are very great: *"He who makes a pilgrimage for God's sake, and does not talk loosely, nor act wickedly, shall return from it as pure from sin as the day on which he was born". "Verily pilgrimage and `umra (visitation to the Holy Mosque) put away poverty and sin like the fire of a forge which removes dross". "When you see a pilgrim, salute and embrace him, and*

request him to ask pardon of God for you, for his sins have been forgiven and his supplications may be accepted".

SUMMARY OF THE FUNDAMENTAL ENJOINMENTS RELATING TO PILGRIMAGE

The principal rites to be observed in connection with the institution of the pilgrimage are: -

1. *Ihrâm*, that is entering the sacred land in a state of *ihrâm* in which ordinary clothes are put off and all pilgrims wear one kind of apparel, consisting of two seamless sheets, leaving the face uncovered, except in case of women pilgrims who cover their heads.
2. *Tawaf*, or making circuits round the *Ka'ba* seven times.
3. *Sa'ey*, or running seven times between two small hills neighboring the *Ka'ba*, known as Al-Safa and Al-Marwa.
4. Staying in the plain of Mount Arafat on the 9th day of the month of Pilgrimage (*Thul-Hijja*), where the noon and afternoon prayers shall be said.

It will be seen that the state of *ihrâm* makes all men and women stand upon one plane of equality, all wearing the same very simple dress and living in the same simple conditions. All distinctions of rank and color, of wealth and nationality, disappear; and the prince is now indistinguishable from the peasant. The whole of humanity assumes one aspect, one attitude, before the Master. Thus the greatest and noblest sight of human equality is witnessed in that wonderful desert plain called "Arafat", which makes man obtain a better knowledge of his creator, the word "Arafat" being derived from *arafa*, meaning he came to acquire knowledge (of something). The whole of the world is unable to present so noble a picture of real brotherhood and equality.

The condition of pilgrim and the different movements connected with the pilgrimage, the making of circuits and running to and fro, in fact represent the stage in which the worshipper is imbued with the spirit of true love of the Divine Being. That love of God which is so much talked of in other religions becomes here a reality. The fire of divine love being kindled in the heart, the worshipper now, like a true lover, neglects all

cares of the body, and finds his highest satisfaction in sacrificing his very heart and soul for the beloved One's sake; and like the true lover he makes circuits round the house of his beloved and hastens on from place to place. He shows, in fact, that he has given up his own will and sacrificed all his interests for His sake.

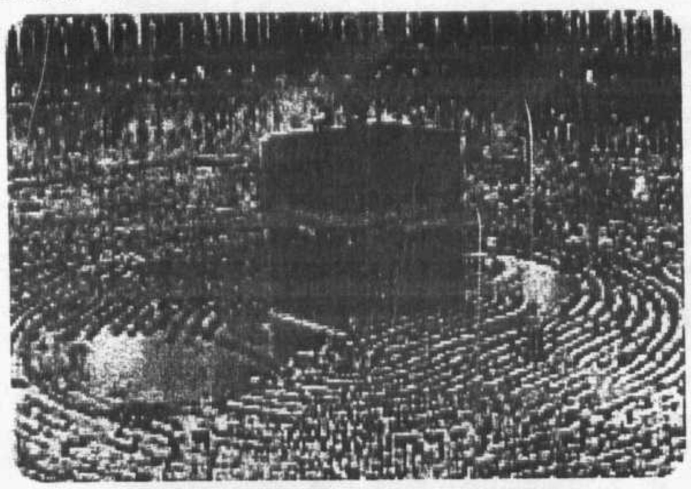
The lower connections have all been cut off, and all the comforts of this world have lost their attraction for the Lord. The pilgrim, indeed, represents the last stage of spiritual advancement, and by his outward condition and his movements the pilgrim only announces to the whole world how all the lower connections must be cut off to reach the great goal of human perfection and nearness to God, which can only be attained by holding true communion with the Unseen Divine Being.

MR. STANLEY LANE POOL'S COMMENTS

Commenting on the institution of the pilgrimage, Stanley Lane Pool - a prominent Orientalist - makes the following remarkable comment, which may throw still more light on the subject:

"This same pilgrimage is often urged as a sign of Mohammad's tending to superstition and even idolatry. It is asked how the destroyer of idols could have reconciled his conscience to the circuits of the *"Ka'ba"*, and the veneration of the "Black Stone". But the fact is that Muhammad (PBUH) perceived that the worship in the *"Ka'ba"* would prove of real value to the religion. He swept away the more idolatrous and immoral part of the ceremonies, and retained the pilgrimage to Mecca and the old veneration of the temple for reasons of which the wisdom is impossible to dispute. He well knew the consolidating effect of forming a centre to which his followers should gather; and hence he reasserted the sanctity of the Black Stone. He ordained that everywhere throughout the world the Muslim should pray looking towards the *"Ka'ba"* and he enjoined him to make the pilgrimage thither. Mecca is to the Muslim what Jerusalem is to the Jew. It bears with it all the influence of centuries of associations. It carries the Muslim back to the cradle of his faith, of his Prophet; it reminds him of the struggle between the old faith of idolatry and the new one (Islam), of the overthrow of the idols, and the establishment of the

worship of the one true God. And most of all, it bids the Muslim remember that all his brother-Muslims are worshipping towards same sacred spot, that he is one of a great company of believers united by one faith, filled with the same hopes, revering the same thing, worshipping the same God"(1).



Multitudes of Pilgrims around the Ka'ba



Two Pilgrims taking seat on the green at the gardens of Mecca (Dr. Galwash to the left).

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(1) Vide introduction to Lane's Selections, page 94.

PART *II*

TRANSACTIONS

Chapter (5)

MARRIAGE

THE third section of the Muslim Law concerns transaction, (Arabic: *Mu'amalat*).

Transactions are subdivided into marriage; inheritance; sale; barter and agency.

Marriage is enjoined by the Prophet upon every Muslim, while celibacy is frequently condemned by him. It is related in the traditions that the Prophet said: *"When the servant of God marries, he perfects half of his religion, let him then strive to perfect the other half by leading a righteous life"*.

The following are some of the sayings of the Prophet on the subject of marriage: -

"The best wedding is that upon which the least trouble and expense are bestowed".

"The worst of feasts are marriage feasts to which the rich are invited and the poor are left out, but he who is invited should accept the invitation however".

"Matrimonial alliances (between two families or tribes) increase friendship more than anything else".

"Marry women who will love their husbands and be very prolific, for I wish you to be more numerous than any other people"

"When anyone demands your daughter in marriage, and you are pleased with his disposition and his faith, then give her to him".

"A woman may be married either for her wealth, her reputation, her beauty or her religion, then look out for a religious woman".

"Young men who have arrived at the age of puberty should marry, for marriage protects them against intemperance"

"When a Muslim marries he perfects half of his religion, and he should practice righteousness to secure the remaining half"

"Beware, make not large settlements dowry upon women, because if great settlements were a cause of greatness in the world of righteousness before God, surely it would be most proper for the prophet of God to make them".

"When any of you wishes to demand a woman in marriage, if he can arrange it, let him see her first".

"A woman ripe in years shall have her consent asked in marriage, and if she remains silent (when asked) her silence is her consent, and if she refuses she shall not be married by force".

"A widow shall not be married until she is consulted, nor shall a virgin be married until her consent is asked." The companions said: "In what manner is the permission of a virgin?" He replied, "Her consent is by her silence".

From the above-mentioned teachings of the Prophet, it is clear that Islam encourages marriage and condemns celibacy. Men and women must marry, not once in their lives, but so long as they have the strength and can afford to support each other.

In the early days of Islam, women belonging to the most respectable families in Mecca married several times after becoming widows or - contrary to the attitude of Church Christianity - after having been divorced by their husbands.

During the pre-Islamic period of the Arabs, there was no limit to the number of wives a man could take. But Islam limited the number to one, with permission to marry, if necessary, two or three or even four,

provided that one can treat them with justice and equality in one's relation with them as husband, which is extremely difficult. Hence the tendency of Islamic Law is towards monogamy, though it does not definitely bind a man to take only one wife. In other words, monogamy is the rule, and polygamy is an exception, it being a remedial course to be resorted to in certain cases and under certain conditions. For the circumstances and exigencies ruling polygamy, the reader is referred to the Chapter on "The Status of Women in Islam", in Vol. I of this work.

At present the concession of marrying more than one wife is enjoyed by very few, as the economic conditions and the practical difficulties involved in bringing up a large family are rather against polygamy. In the early days of Islam, the circumstances were quite different owing largely to the prevailing social and political conditions. Wars of conquests ended in the capture of a large number of women, some of whom were of respectable families, and had to be taken as wives and supported by the conquerors. Polygamy then became a necessity and offered a ready solution to social problems. A certain latitude in those days was necessary. The same solution might be resorted to if similar social conditions would suggest themselves. A number of the faithful followers of the Prophet were being killed in religious warfare. Public policy and morals required that their widows and grown-up daughters should be adequately provided for and given protecting shelter. It was, therefore, in a spirit of self-sacrifice on the part of Muslim men that within the limit of four wives prescribed by the law, the believers took in wedlock the widows and daughters of their friends, who had sacrificed themselves in the cause of their religion. The greatest sacrifice in this respect was made by the Prophet himself, whose additional object in having as many as nine wives - all of whom (except `A'isha) were elderly women - was to propagate the teachings of Islam through them among the women of Arabia. It was through the Prophet's wives that the Arab women, who embraced Islam, came to know what the institutions of the new religion - as envisaged by the daily life of the Prophet - really were.

MARRIAGE - A CIVIL CONTRACT

In Islam, marriage is a civil contract made by mutual consent

between man and woman. What is necessary among the *Sunni* or Orthodox Muslims to conclude a match is the presence of two males or one male and two female witnesses and a dower. A woman who has reached the age of puberty is free to choose, to accept or to refuse an offer, although such a conduct maybe against the declared wishes of her parents or guardian.

If a girl is married in her infancy, she may renounce and dissolve the contract, if she wills, on reaching her majority. The parents are recommended to find a suitable match for their daughter; they cannot legally force her to agree to it. Her consent in any case is necessary. She can make her own terms before the marriage, as to the amount of dower to be paid to her, the dissolution of marriage in case her husband leaves the locality and goes to some other country, or in regard to any other matter such as the husband taking another wife etc.. All terms, conditions and stipulations agreed to mutually must be recorded in the contract of marriage by the registrar and would be binding to the husband.

In the case of impotence, insanity or extreme poverty which renders it impossible for the husband to support his wife, or should he be imprisoned for such a length of time that the wife should suffer lack of sustenance she has right to divorce him by a verdict of the judge.

A man may see the face of his bride; nay he is encouraged by the law to do so before the consummation of marriage though in practice this legal concession is not utilized in certain eastern countries where future husbands receive information about their spouses through their women relations who arrange the marriage.

A man may divorce and re-marry the divorced wife, but if he pronounces divorce on three occasions, she cannot return to him, unless after having married another man and lived with him as his wife for a length of time. She may be divorced by second husband, and then she may be re-married to the first. This, however, happens only in extreme cases. The object of law is that the husband who has divorced his wife should feel ashamed and disgraced to take her back after she re-married and lived as wife of another man. Thereupon, in practice only, a few people take advantage of the right to divorce their wives on slightest sinful act. Divorce is condemned by the Prophet and is not to be resorted

to except in unavoidable circumstances such as infidelity of the wife, or other similar serious causes.

KINDS OF DIVORCE

Divorce in Islam is of two kinds:
Revocable, and Irrevocable.
A husband has the right to divorce his wife; but this right is not effective until the period of *'iddat* i.e. probation is over. This period is three menstrual courses or three months and during this time the right of the husband to revoke the divorce is available

Should the Wife survive her husband, the period of *'iddat* probation is prolonged to four months and ten days; before this period is ended, the Widow cannot legally get married to a new husband.

If a woman is pregnant and divorce has to be resorted to, the *'iddat* period continues until the delivery takes place. In this case, the wife has the right to reside in her husband's house and be maintained by him.

A child born six months after the marriage is considered the child of the married husband; but if the child is born earlier than six months after the marriage, it is not considered legitimate.

DIFFERENT FORMS OF DIVORCE

The following are the different forms of divorce current among the *Sunnis*:

Besides impotence on the part of the husband, a verdict of divorce may be pronounced by the competent judge on the demand of the wife in the following cases:-

1. Inequality of status of man and woman.
2. Insufficient dower.
3. If the Muslim husband embraces any religion other than Islam.

4. If a husband charges his wife with adultery, even though she swears that she is innocent and the former insists that she is not.
5. If the husband is imprisoned for such a length of time that she suffers from want of living.
6. *Khul'* divorce, which means a result of continuous disagreement between husband and wife, when the latter is willing to forego some of her own privileges or make a certain ransom to free herself from her husband.

PROHIBITED MARRIAGES

One of the fundamental principles of Islam is that neither a Muslim can marry an idolatress nor a Muslim woman can marry an idolater.

The direct result of such prohibited marriages would be to introduce no idolatry Islam, which it had strenuously striven to eradicate. Otherwise, Islam is quite liberal in this respect, as it permits Muslim men to marry virtuous women among the Christians or the Jews. However, the Islamic Law, for reasons closely connected with policy, does not allow a Muslim woman to marry a Christian or a Jew.

SUGGESTED RECONCILIATION

In case there is fear of breach between wife and husband, reconciliation is recommended to be sought through the medium of two arbitrators: one chosen from the family of the husband and the other from the wife's family; if they are desirous of agreement, God may through His Mercy effect reconciliation between them.

PROHIBITED MARRIAGE RELATIONS IN ISLAM

These prohibitions are detailed in verses 22, 23 and 24 of Chapter 4 of the Koran, which are interpreted as: -

"And marry not women whom your fathers have married: for this is a

shame, and hateful and an evil way - though what is passed may be forgiven"[1]

"Forbidden to you are your mothers, and your daughters and your sisters, and your aunts, both on the father's and mother's sides, and your foster mothers and your foster sisters, and the mothers of your wives, and your step-daughters who are your wards, born of your wives to whom you have gone in (but if you have not gone in unto them, it shall be no sin in you to marry them), and the wives of your sons who proceed out of your loins; and you are forbidden to marry two sisters at a time".

"You are also forbidden to marry any married woman".

THE RELIGIOUS CEREMONY ON THE OCCASION OF MARRIGE

The Islamic Law appoints neither specific religious ceremony nor any religious rites necessary for the contraction of a valid marriage.

Legally a marriage contracted between two persons possessing the capacity to enter into the contract is valid and binding, if entered into by mutual consent in the presence of witnesses. In all cases, the religious ceremony is left entirely to the discretion of the qualified registrar known as the *ma'zün* that is the representative of the court parties.

Below is given, in extense, the nuptial sermon, universally preached on the occasion of marriage, in imitation of the Holy Prophet:

> *"O ye believers fear God as He deserved to be feared, and die not without having become true Muslims. O men, fear your Lord Who hath created you of one progenitor, and of the same species He created his wife and from these twain hath spread abroad so many men and women. And fear ye God, in whose name ye ask mutual favor, and reverence the wombs that bore you. Verily God*

(1) This exception referred to what had taken place in the time of ignorance, previous to the revelation of Koran

is watching over you. O believers fear God and speak with well-guided speech that God may bless your doings for you and forgive you your sins. And whosoever obeys God and His Apostle with great bliss he surely shall be blessed".

The sermon is a collection of Koranic verses and their repetition at each and every wedding is meant to remind the Muslim men and women of their duties and obligations. It opens with a commandment to fear God, and the selfsame commandment is repeated quite a number of times in the course of the ceremony showing that the whole of the ceremony is to be carried through with fear of God, so that from beginning to end it may be a pure moral binding and that no selfish equivocation or hypocritical prevarication may mar the sanctity of the sacred rite.

The registrar - having recited the above verses with certain sayings of the Prophet bearing on the benefits of marriage, and the bridegroom and the bride's attorney (usually the father, uncle or elder brother) and the witnesses having assembled in some convenient place (commonly the bride's domicile) and arrangements having previously been made as to the amount of dower payable to the bride - begins to request the bridegroom to ask God forgiveness for his sins and to declare his belief in the unity of God and the Prophethood of His Apostle the Holy Muhammad. The registrar then asks the bridegroom whether he accepts to be wedded to - (mentioning the name of the bride) against such and such a dower payable to her and on the law principles stated in the Koran and in the sayings of the Holy Prophet. The bridegroom answering in the affirmative, the registrar announces the consummation of the marriage contract and raises his hands and offers the following or similar prayer: "O God, grant, out of your bounty, that mutual love and agreement may reign between this couple, as it existed between Adam and Eve".

The ceremony being over, the bridegroom shakes hands with the friends and those of the relatives who happen to be present and receives their congratulations.

MARRIAGE FESTIVALS

Marriage is preceded and followed by festive rejoicings which have

been variously described by Oriental travelers but they are not parts of either the civil or religious ceremonies.

The bridegroom is entitled to see his fiancée before the contract of marriage is entered into, though this custom is not usually exercised in many Muslim Countries.

THE INEQUALITY OF THE TWO SEXES WITH REGARDING TO DIVORCE

Marriage being regarded as a civil contract and as such not indissoluble the Islamic Law naturally recognizes the right of both parties to dissolve the contract under certain given circumstances. Divorce, then, is a natural corollary to the conception of marriage as a contract, and it is regrettable that it may have furnished European critics with a handle for attack. They seem to entertain the view that the Islamic Law permits a man to repudiate his wife "even on the slightest disgust". Whether the law permits or favors repudiation on the slightest disgust, we shall presently see. But there is another point raised by these critics, namely the inequality of the two sexes in regard to the right of obtaining a divorce, which inequality is in fact more seeming than real. The theory of marriage, no doubt, points to a subordination of the wife to her husband, because of her comparative inferiority in discretionary powers; but in practice, the hands of the husband are fettered in more ways than one. The theoretical discretion must not be understood as given a tacit sanction to the excesses of a brutal husband; on the other hand, it is intended to guard against the possible dangers of an imperfect judgment. The relation between the members of the opposite sex which marriage legalizes are, however, so subtle and delicate and require such constant adjustment, involving the fate and well-being of the future generations, that in their regulation the law considers it expedient to allow the voice of one partner, more or less, predominant over that of the other.

Perhaps it is here worthy of notice that in Europe the two sexes are not placed on equal footing with respect to the right of divorce. Lord Helier, P.C., K.C.B., who was president of the Probate, Divorce and Admiralty Division of the High Court of Justice, 1892-1905, observes on

this point thus: "Much comment has been made on the different grounds, on which divorce is allowed to a husband and to a wife - it being necessary to prove infidelity in both cases, but a wife being compelled to show either an aggravation of that offence or addition to it. Opinions probably will always differ whether the two sexes should be placed on equality in this respect, abstract justice being invoked, and the idea of marriage as a mere contract, pointing in one direction, and social consideration in the other. But the reason of the legislature for making the distinction is clear. It is that the wife is entitled to an absolute divorce only if her reconciliation with her husband is neither to be expected nor desired. This was no doubt the view taken by the House of Lords"(1).

LIMITATION OF DIVORCE

A Muslim is not free to exercise the right of divorce on "the slightest disgust". The law has put many limitations upon the exercise of this power. Then again the example and precepts of the Prophet in this particular have rendered divorce most repellent to the Muslim mind. A Muslim is permitted to have recourse to divorce, provided that there is ample justification for such an extreme measure. The Koran expressly forbids a man to seek pretext for divorcing his wife, so long as she remains faithful and obedient to him in matters recommended by the law:

"If women obey you (i.e. in lawful matters), then do not seek a way against them", that is seek not a pretext for separation.

The law gives man, primarily, the faculty of dissolving the marriage, if the wife, by her indocility or her bad character, renders the married life unhappy, but in the absence of serious reasons, no Muslim can justify a divorce either in the eyes of religion or the law. If he abandons his wife or puts her away from simple caprice, he draws upon himself the divine anger for *"the Curse of God"*, said the Prophet, *"rests on him who repudiates his wife capriciously"*.

In the Koran, there is a most edifying verse which is generally

(1) Cp. Review of Religions, April 1913.

overlooked by the critics of Islam: *"Associate with your wives"*, so runs the verse, *"with goodness; and if ye dislike them, it may be that ye dislike a thing and God may put abundant good in it"*. (Koran: 4: 19) Thus the Quran enjoins forbearance, even with a wife the husband does not like. One really wonders at the boldness of the critics who presume that the Islamic Law permits divorce on "even the slightest disgust".

Many and various are the sayings of the Prophet of Islam that teach love, untiring patience, forgiving disposition, and above all, fear of God in the treatment of women. *"The man who bears the ill-manners of his wife"*, said the Prophet *"shall receive from God rewards equivalent to what the Lord gave to Job, when he suffered his affliction. And to the woman who bears the ill-manners of her husband, God granteth rewards equivalent to what He granted to Assiyah, the righteous wife of Pharaoh"*.

It is to be rightly observed that divorce in Islam is allowable only when the object is not to trouble the wife by divorcing her without just grounds, such as refractory or unseemly behavior on her part, or extreme necessity on the part of the husband.

Islam discourages divorce in principle, and permits it only when it has become altogether impossible for the parties to live together in peace and harmony. It avoids, therefore, greater evil by choosing the lesser one, and opens a way for the parties to seek agreeable companions and, thus, to accommodate themselves more comfortably in their new homes.

For, under Islam, a divorced woman, like the husband who divorces her, acquires the right of marrying any person she likes, the moment the separation is recognized by the law[1].

Fully recognizing the evils that arise from divorce, the Prophet of Islam took very cautious steps in framing the laws; and the ruling idea seems to be that divorce is justified only when marriage fails in its effects and the parties cease to fulfill the duties that spring from the marriage

(1) With Christians the case is different; "Whosoever shall put away his wife, save for the cause of fornication, causes her to commit adultery; and whosoever shall marry her that is divorced commits adultery" (Matt V: 32).

relations. There is, in fact, no justification for permanently yoking together two hostile souls, who might make themselves quite comfortable in new homes, if they were permitted to effect a separation. To compel them to live together in pursuance of a most vexatious law under a yoke of the heaviest slavery - for such is marriage without love - would be a hardship more cruel than any divorce whatever. God, therefore, gave laws of divorce, in their proper use, most equitable and human.

If a woman is chaste and mindful of her duties as wife, the Islamic Law makes it obligatory upon the husband to associate with her on the best terms, and with kindness and courtesy. But if she proves refractory in her behaviors, the law confers on the husband the power of correction if exercised in moderation(1).

Finally, it is to be remembered that the abuse likely to arise from the laxity of the laws may conveniently be contracted by other lawful impositions. The wife or her guardian or attorney may stipulate, at the time of marriage, against the arbitrary, the exercise of the power of divorce by the husband. The right of discontract may be stipulated to be with the wife, instead of with the husband, if necessary. The same object may also be achieved indirectly, by fixing the dower at a large sum payable to the wife in case of a divorce by the husband, such as may be beyond the means of the husband to liquidate. The wife may also, by stipulation, reserve to herself the power of dissolving the marriage under certain legitimate circumstances, for example, if the husband marries a second wife.

Again, in the event of a divorce, the Islamic Law is very particular in providing for the protection of the wife's property against the avarice of the husband: if the divorce is due to a cause imputable to the husband, he has to make over to her all her property, and pay off the dower that had been settled upon her. If, however, the divorce has been resorted to at the instance of the wife, without any justifiable cause, she has simply to abandon her claim to the dower. The wife thus occupies a decidedly more advantageous position than the husband.

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(1) The law of England similarly vested in the husband the right of chastising his wife for levity of conduct (vide Holland's Jurisprudence, 240).

The Islamic Law institutes also a procedure known as *tafriq*, which legally means dissolution of the status of marriage by a judicial verdict. Here are some causes for which the wife can demand a divorce by authority of the court: -

1. Habitual ill-treatment of the wife.

2. Non-fulfillment of the terms of marriage contract.

3. Insanity.

4. Incurable incompetency.

5. Quitting the conjugal domicile without making provision for the wife.

6. Any other causes which in the opinion of the court would justify a divorce.

ISLAMIC LEGAL STATUS OF A MARRIED WOMAN

To sum up, the Islamic legal status of a Muslim married woman is decidedly superior to that of a European woman. The former enjoys social immunities which allow the fullest exercise on her part of the powers and privileges given to her by the law. She acts, if *sui-juris*, in all matters which relate to herself and to her property, in her own individual right, without the intervention of husband or father. She never loses her own identity on becoming wedded, by remaining related to her father's family. She appoints her own attorney, and delegates to him all the powers she herself possesses. She enters into valid contracts with her husband and her male relations on a footing of equality, if she is ill-treated, she has the right to have the marriage tie dissolved. She is entitled to pledge the credit of her husband for the maintenance of herself and her children. She is able, even if holding a creed different to that of her husband, to claim the free and unfettered exercise of her own religious observance. To enjoy all her rights of action, she requires no intermediaries, trustees or next of kin. When she is aggrieved by her husband she has the right to sue him in her own capacity.

It is both interesting and instructive to compare the above summary with another, from the writing of J.S. Mill, which gives us an idea of the corresponding position of women under the usages of Church Christianity : -

"We are continually told", says he, "that civilization and Christianity have restored to woman her just rights. Meanwhile, the wife is the actual bond-servant of her husband; no less so, as far as legal obligation goes, than slave commonly so-called. She vows a life-long obedience to him at the altar, and is held to it all through her life by law. It may be said that the obligation of obedience stops short of participation in crime, but it certainly extends to everything else. She can do no act whatever but by his permission, at least tacit. She can acquire no property but for him; the instant it becomes hers even if by inheritance, it becomes *ipso facto* his. In this respect the wife's position, even under the common law of England, is worse than that of slaves in the laws of olden days in other countries. By the Roman law, for example, a slave might have peculium which, to a certain extent, the law guaranteed him for his exclusive use[1].

(1) The Review of Religions, May 1913, states Evidently J.S. Mill wrote this prior to the present Married Women's Property Act; but the same position of married women as illustrated by him is still prevalent to this day under the usages of the Catholic and other Christian churches.

Chapter (6)

INHERITANCE

LAW OF INHERITANCE

THE law of inheritance is called *'Ilmil-farayid'*, or *'Ilmil-mirath'* i.e. science of obligations of inheritance. The verses in the Koran upon which the law of inheritance is founded begin at the 11th verse of Chapter 4 of the Koran. They are rendered as follows: -

> *"With regard to your children, God commands you to give the male the portion of two females, and if they be females more than two, then they shall have two-thirds of that which their father hath left : but if she be an only daughter, she shall have the half; and the father and mother of the deceased shall each of them have a sixth part of what he hath left, if he has a child; but if he has no child, and his parents be his heirs, then his mother shall have the third; and if he has brethren, his mother shall have the sixth, after paying the bequests he shall have bequeathed and his debts. As to your fathers or your children, ye know not which of them is the most advantage to you. This is the law of God. Verily God is Knowing and Wise".*

"Half of what your wives leave shall be yours if they have no issue; but if they have issue, then a fourth of what they have shall be yours, after paying the bequests and debts".

"And your wives shall have a fourth part of what ye leave if ye have no issue, but if ye have issue, then they shall have an eighth part of what ye leave, after paying the bequests and debts, if any'.

"If a man or woman makes a distant relation their heir, and he or she has a brother or a sister, each of these two shall have a sixth; but if there are more than this, then shall they be sharers in a third after payment of the bequests and debts".

"Without loss to anyone. This is the ordinance of God, and God is Knowing and Gracious".

The foregoing general rules of inheritance are detailed in the following[(1)]:

The property of a deceased Muslim is applicable, in the first place, to the payment of his funeral expenses; secondly to the discharge of his debts; and thirdly, to the payment of legacies as far as one-third of the residue. The remaining two-thirds with so much of the one-third as is not absorbed by legacies are the patrimony of the heirs. A Muslim is, therefore, disabled from disposing of more than one-third of his property by will[(1)].

The clear residue of the estate descends to the heirs; and among these the first are persons for whom the law has provided certain specific shares or portions and who are thence denominated the sharers or *Za-wul-furud* in Arabic.

In most cases, there must be a residue after the sharers have been satisfied; and this passes to another class of persons who, under that circumstance, are termed residuaries or *'asaba* in Arabic.

It can seldom happen that the deceased should have no individual connected with him who would fall under these two classes; but to guard against this possible contingency, the law had provided another class of persons who, by reason of their remote position with respect to the inheritance, have been denominated "distant kindred" or *za-wul-arham* in Arabic.

(1) Al-Sirajiyah by Sirajud-din Mohammad, based on the traditions of the Prophet On the subject, as collected by Zaid ibn Thabit, one of the earliest companions.

AS REGARDS GIFTS AND DONATIONS

During his lifetime a Muslim has absolute power over his property. He may dispose of it in whatever way he likes. But such dispositions, in order to be valid and effective, are required to have operation given to them during the lifetime of the owner. If a gift be made, the subject of the gift must be made over to the donee during the lifetime of the donor; he must, in fact, divest himself of all proprietary rights in it and place the donee in possession. To make the operation of the gift dependent upon the donor's death would invalidate the donation. So it is also in the case of endowments for charitable or religious purposes. A disposition in favor of a charity, in order to be valid, should be accompanied by the complete divestment of all proprietary rights. As regards testamentary dispositions, the power is limited to one-third of the property, provided that it is not in favor of one who is entitled to share in the inheritance. For example, the proprietor may devise by will one-third of his property to a stranger; should the device, however, relate to more than one- third, or should it be in favor of a legal heir, it would be invalid.

POINTS OF CONTACT

A Muslim upon his death may leave behind him a numerous body of relations. In the absence of certain determinate rules, it would be extremely difficult to distinguish between the inheriting and the non-inheriting relations. In order to obviate this difficulty and to render it easy to distinguish between the two classes, it is the general rule and one capable of universal application, that when a deceased Muslim leaves behind him two relations, one of whom is connected with him through the other, the former shall not succeed while the intermediate person is alive. For example, if a person on his death leaves behind a son and son's son, this latter will not succeed to his grandfather's estate while his father is alive. Again if a person dies leaving behind him a brother's son and a brother's grandson and his own daughter's son, the brother's son, being a male agnate and nearer to the deceased than the brother's grandson, takes the inheritance in preference to the others.

The law of inheritance is a science acknowledged even by Muslim

doctors to be an exceedingly difficult object of study. Although it is not easy to follow it out in all its intricacies, a carefully drawn table on the *Sunni* law of inheritance is given hereinafter: -

A. LEGAL HEIRS AND SHARERS OF THE FIRST GRADE

1. Father

As mere sharer, when there is a son or a son's son, however low, he takes 1/6.

As mere residuary, when there is no successor but him, he takes the whole: or with a sharer, not a child or son's child, however low, he takes what is left by such sharer

As sharer and residuary, as when there are daughters and son's daughter but no son or son's son, he, as sharer, takes 1/6; daughter takes 1/2, or two or more daughters 2/3; son's daughter 1/6; and father the remainder as residuary.

2. True Grandfather

Father's father, his father and so forth, into whose line of relationship to the deceased no mother enters, is excluded by father and excludes brothers and sisters; he comes into father's place when there is no father; but does not, like father, reduce mother's share to 1/3 of residue, nor entirely exclude paternal grandmother.

3. Half Brothers by Same Mother

They take, in the absence of children or son's descendants and father and true grandfather one 1/6, two or more between them 1/3, being those who benefit by the "return".

4. Daughters

When there are no sons, daughters take one 1/2; two or more 2/3 between them; with sons they become residuaries and take each half a son's share, being in this case of those who benefit by the "return".

5. Son's Daughters

They take as daughters when there is no child; take nothing when there is a son or more daughters than one; take 1/6 when only one daughter; they are made residuaries of male cousin, however low.

6. Mother

The mother takes 1/6 when there is a child or son's child, however low, or two or more brothers or sisters of whole or half blood; she takes 1/3 when there are none of these: when there is a husband or wife and both parents, she takes 1/3 of the remainder after deducting their shares, the residue going to the father: if no father but grandfather, she takes 1/3 of the whole.

7. True Grandmother

Father's or mother's mother, however high; when there is no mother, she takes 1/6; if more than one, 1/6 between them. Paternal grandmother is excluded by both father and mother, maternal grandmother by mother only.

8. Full Sisters

These take as daughters when there are no children or son's children however low, father, true grandfather or full brother; with full brother, they take half share of male: when there are daughters or son's daughters, however low, but neither sons, nor son's sons nor father, nor true grandfather, nor brothers, the full sisters take as residuaries what remains after a daughter or son's daughter has her share.

9. Half Sisters by Same Father

They take as full sisters, when there are none; with one full sister they take 1/6; when two full sisters, they take nothing, unless they have a brother who makes them residuaries and then they take half a male's share.

10. Half Sisters by Mother only

When there are no children or son's children, however low, or father or true grandfather, they take one 1/6; two or more 1/3 between them.

11. Husband

If there is no child or son's child, however low, he takes 1/2 otherwise 1/4th.

12. Wife

If there is no child or son's child however low, she takes 1/4; if otherwise, 1/8. Several widows share equally.

COROLLARY

All brothers and sisters are excluded by son, son's son however low, father or true grandfather. Half brothers and sisters on father's side are excluded by these and also by full brothers. Half brothers and sisters on mother's side are excluded by any child or son's child, by father and true grandfather.

B. RESIDUARIES

I. **Residuaries in their own right**, being males into whose line of relationship to the deceased no female enters: -

(a) Descendants:-

1. Son.
2. Son's son.
3. Son's son's son.
4. Son of No. 3.
   (4a) Son of No. 4.
   (4b) And so on however low.

(b) Ascendants:-

5. Father
6. Father's father.
7. Father of No. 6.
8. Father of No. 7.
   (8a) Father of No. 8.
   (8b) And so on however high.

(c) Collaterals:-

9. Full brother
10. Half brother by father.
11. Son of No. 9.
12. Son of No. 10.
    (11a) Son of No. 11.
    (11b) Son of No. 11a.
    (12a) Son of No. 12.
    (12b) Són of No. 12a.
    And so on however low
13. Full paternal uncle by father.
14. Half maternal uncle by father.
15. Son of No. 13.
16. Son of No. 14.
    (15a) Son of No. 15.
    (16a) Son of No. 16.
17. Father's full paternal uncle by father's side.
18. Father's half paternal uncle by father's side.
19. Son of No. 17.
    (19a) Son of No. 19
20. Son of No. 18.
    (20a) Son of No. 20.
    And so on, however low.
21. Grandfather's full paternal uncle by father's side.
22. Grandfather's half paternal uncle by father's side.
23. Son of No. 21
24. Son of No. 22
    (23a) Son of No. 23.
    (24a) Son of No. 24.
    And so on, however low.

Notes:

(*a*) A nearer residuary in the above table is preferred to and excludes a more remote residuary.

(b) Where several residuaries are in the same degree, they take per capita not per stripes, i.e. they share equally. The whole blood is preferred to and excludes the half blood at each stage.

***II.* Residuaries in another's right**, being certain females, who are made residuaries by males parallel to them; but who, in the absence of such males, are only entitled to legal shares. These female residuaries take each half as much as the parallel male who makes them residuaries. The following four persons are made residuaries:

1. Daughters made residuary by son.
2. Son's daughter made residuary by full brother.
3. Full sister made residuary by full brother.
4. Half sister by father made residuary by her brother.

***III.* Residuaries with another**, being certain females who become residuaries with other females. These are: -

1. Full sisters with daughters or daughter's sons.
2. Half sisters with father.

Notes:

When there are several residuaries of different kinds or classes, e.g. residuaries in their own right and residuaries with another, propinquity to deceased gives a preference, so that the residuary with another, when nearer to the deceased than the residuary himself, is the first.

If there be residuaries and no sharers, the residuaries take all the property.

If there be sharers and no residuaries, the sharers take all the property by the doctrine of the "return". Seven persons are entitled to the "return". 1^{st}. mother; 2^{nd}, grandmother; 3^{rd}, daughter; 4^{th}, son's daughter: 5^{th}, full sister; 6^{th}, half sister by father; 7^{th}, half brother or sister by mother.

A posthumous child inherits. There is no presumption as to commorients, who are supposed to die at the same time unless there be proof otherwise.

If there be neither sharers nor residuaries, the property will go to the following class (distant kindred): -

C. DISTANT KINDRED
(All Relatives who are neither Sharers nor Residuaries)

CLASS 1. - *Descendants*: Children of daughters and son's daughters:

1. Daughter's son.
2. Daughter's daughter.
3. Son of No. 1.
4. Daughter of No. 1.
5. Son of No. 2.
6. Daughter of No. 2 and so on however low, and whether male or female.
7. Son's daughter's son.
8. Son's daughter's daughter.
9. Son of No. 7.
10. Daughter of No. 7.
11. Son of No. 8.
12. Daughter of No. 8, and so on however low, and whether male or female.

Notes:

(*a*) Distant kindred of Class 1 take according to proximity of degree; but when equal in this respect, those who claim through an heir, i.e. sharer or residuary, have a preference over those who claim through one who is not an heir.

(*b*) When the sexes of their ancestors differ, distribution is made having regard to such difference of sex, e.g. daughter of daughter's son gets a portion double that of son of daughter's daughter and when the claimants are equal in degree but different in sex, males take twice as much as females

CLASS 2. - *Ascendants*: False grandfathers and false grand mothers

13. Maternal grandfather
14. Father of No. 13, father of No. 14 and so on however high (i.e. all false grandfathers)
15. Maternal grandfather's mother.

16. Mother of No. 15 and so on however high (i.e. all false grandmothers)

Note:

Rules (a) and (b), applicable to Class I, apply also to Class 2. Furthermore, when the sides of relation differ, the claimant by the paternal side gets twice as much as the claimant by the maternal side.

CLASS 3. - *Parents Descendants*:

17. Full brother's daughter and her descendants
18. Full Sister's son.
19. Full Sister's daughters and their descendants however low.
20. Daughter of half brother by father, and her descendants.
21. Son of half sister of father.
22. Daughter of half sister by father, and her descendants however low.
23. Son of half brother by mother.
24. Daughter of half brother by mother, and her descendants, however low.
25. Son of half sister by mother.
26. Daughter of half sister by mother, and their descendants, however low.

Note:

Rules (a) and (b) applicable to Class 1, apply also to Class 3. Furthermore, when two claimants are equal in respect of proximity, one who claims through a residuary is preferred to one who cannot so claim.

CLASS 4.- *Descendants of the two grandfathers and the two grandmothers.*

27. Full paternal aunt and her descendants, male or female, and however low.
28. Half paternal aunt and her descendants, male or female, however low.
29. Father's half brother by mother and his descendants, male or female, however low.

30. Father's half sister by mother and her descendants, male or female, however low.

Note:

The sides of relations being equal, uncles and aunts of the whole blood are preferred to those of the half, and those connected by the same father only, whether males or females, are preferred to those connected by the same mother only. Where sides of relation differ, the claimant by paternal relation gets twice as much as the claimant by maternal relation. Where sides' strength of relation is equal, the male gets twice as much as the female.

***General Rule*: -**

Each of these classes as above mentioned excludes the next following class.

Note:

In cases where there are no sharers, residuaries, or distant kindred to claim inheritance, the whole property of the deceased shall be gone over to the Public Treasury, i.e. the state.

Chapter (7)

SALE & USURY

Sale in the language of the Muslim Law signifies an exchange of property with the mutual consent of the parties. In its ordinary acceptance, sale is a transfer of property in consideration of price in money. The word has a comprehensive meaning in the law, and is applied to every exchange of property with mutual consent. It, therefore, includes barter as well as sale, and also loan, when the articles lent are intended to be consumed and replaced to the lender by a similar quantity of the same kind. This transaction which is truly an exchange of property is termed as *qard* in the law, i.e. loan.

According to the Muslim Laws of contracted transaction of sale and barter, etc., things are divided into similars and dissimilars.

Similar things are those which are sold by weighing and measuring; and dissimilar things which are different in quality but sold in exchange, such as wheat for its price in coin. In the case of similar things as wheat for rice, when sold after being measured or weighed, delivery should take place at once. When these are sold unconditionally, the buyer has no right to choose the best part of it from the whole, unless the seller consents and desires to please him. Things sold or exchanged cannot remain undelivered or unadjusted on the mere responsibility of the parties. But if a thing is sold against its value in money, time is allowed in receiving money. Among similar things, there are similars of capacity, weight and sale. The seller must express clearly the quantity and quality of the thing exactly as it is, so that any doubt or misunderstanding may not arise in regard to it later on. He must fix the price and say that he is willing to sell to so and so such a thing of so much value and on such

terms and conditions (if there be any); the buyer must accept the offer in clear language. If the seller himself cannot do this, he must appoint an agent, with sufficient authority to dispose of his goods. If a contract takes place through a broker, it must be ratified by the actual buyer. Option is allowed to the buyer and seller for three days (in case a thing is not removed from the seller's premises) to avoid the transaction. If a thing is purchased without inspection or examination and afterwards a difference is found in the quantity or the quality specified by the seller, or asked for by the purchaser, the latter may refuse to take delivery of it. Of the various recognized kinds of sale, the following are the most important: -

1. Sale of specific things for a price or by way of barter.
2. Sale of silver for silver or gold for gold or banking in which the exchange of coins, either silver or gold, must be exact in weight or quality, so that there may be no chance of resorting to usury
3. Sale in advance when the price is deposited before taking delivery of goods.
4. Loan, etc...

The quality of the thing, when lent, is specified and the thing to be given back should be of the same quality.

One can mortgage his property, but here also usury is avoided. The theologians have permitted only such bargains in which a lender of money can benefit without transgressing the law, e.g. by the use of a thing or property which has been mortgaged; or make a condition precedent that if, within a specified time, the money is not repaid, delivery of possession of the property mortgaged will be given to the lender, etc... *Riba* or usury is strictly prohibited under Islamic Law. It means taking advantage of an individual in distress by giving him momentary relief, with the intention of bringing more misery upon him. One is forced to ask for a loan on the condition that it would be repaid, as agreed, to the lender; often much more has to be paid to the lender than he has actually paid. In some it may be deemed harmless, but often it brings ruin to whole families, of which the lender is conscious. Such exaction is against the spirit of Islam. The lender may intentionally lend money to possess the property of one who may, owing to hard circumstances, be forced to seek his help. Islam inculcates moderate

socialism and with it prescribes a rational and just mode of dealing as between members of the Muslim community. Each individual has the right to possess what is his own property and to enjoy what is his own wealth, but only to the extent that he does not injure others' happiness or interests by. He may amass wealth, but the surplus wealth, of which he is not in need of immediate use, must be used for helping those who are badly in need thereof. Usury as practiced in the time of the Prophet was against such democratic principles and was, therefore, prohibited. It is difficult to say whether the modern method of banking and charging of interest on amounts lent out is based upon the doctrine of mutuality, service and mutuality of benefit between lender and borrower. If the benefits are deemed to be one sided, it cannot be said to be permitted by the Islamic Law. If, on the other hand, there is mutuality of service, it would, in the judgment of Muslim theologians, be permissible as it would be held by them to be a kind of transaction.

USURY

Usury, as an illegal transaction, is occasioned, by *rate*, united with *species*, and it includes all gain upon loans, whether from the loan of money, or goods or property.of any kind.

The teaching of the Koran on the subject is given in Chapter 2, verse 275 of which the following is a translation:

"Those who devour usury will not stand except as stands one whom the Evil one by his touch Hath driven to madness. That is because they say: "Trade is like usury," but Allah hath permitted trade and forbidden usury. Those who after receiving direction from their Lord, desist, shall be pardoned for the past; their case is for Allah (to judge); but those who repeat (The offence) are companions of the Fire: They will abide therein (for ever)".

The Prophet is related to have said:

"Cursed be the taker of usury, the giver of usury, the writer of usury, and the witness of usury, for they are all equal".

"Verily the wealth that is gained in usury, although it is great, is of small advantage"[1].

Riba, i.e. usury, in the language of the law, signifies "an excess", according to a legal standard of *measurement* or *weight* in one of two *homogeneous* articles (of weight or measurement of capacity) opposed to each other in a contract of exchange, and in which such excess is stipulated as an obligatory condition on one of the parties, without any return, i.e. without anything being opposed to it. The sale, therefore, of two loads of barley, for instance, in exchange for one load of wheat does not constitute usury, since these articles are not homogeneous; and, on the other hand, the sale of ten yards of cloth in exchange for five yards of another cloth is not usury, since although these articles be homogeneous they are not estimable by weight, or measurement of capacity.

Usury, then, as an illegal transaction is occasioned (according to most distinguished doctors) by *rate* united with *species*, where, however, it must be observed that rate, in the law of Islam, applies only to articles of weight and measurement of capacity, and not to articles of *longitudinal* measurement, such as cloth, etc., or of tale such as eggs, dates, walnuts, etc., when exchanged from hand to hand. Where the quality of being weighable or measurable by capacity, and correspondence of species being the causes of usury both exist, the stipulation of inequality or suspension of payment to a future period, are both usurious. Thus it is usurious to sell either one measure of wheat in exchange for two measures, or one measure of wheat for one measure deliverable at a future period. If, on the contrary, neither of these circumstances exists (as in the sale of wheat for money), it is lawful, either to stipulate a superiority of rate or the payment at a future period. If on the other hand, one of these circumstances only exists (as in the sale of wheat for barley), then a superiority of the rate may legally be stipulated, but not a suspension in the payment. Thus one measure of wheat may lawfully be sold two measures of barley; but it is not lawful to sell one measure of wheat for one measure of barley, payable at a future period.

Similars of weight and capacity are distinguished from all other descriptions of property in a very remarkable way. When one article of

(1) Sahihu Muslim, Chapter on *Riba* (usury)

weight or one of measure is sold or exchanged for another of measure, the delivery of both must be immediate from hand to hand, and any delay of delivery in one of them is unlawful and prohibited. Where again, the articles exchanged are also of the same kind, as when wheat is sold for wheat, or silver for silver, there must not only be reciprocal and immediate delivery of both before the separation of the parties, but also absolute equality of weight or measure, according as to whether the articles are weighable or measurable; any excess of either side is also unlawful and prohibited. These two prohibitions constitute briefly the doctrine of *Riba* (usury), which is a marked characteristic of the Islamic law of sale. The word *Riba* (in Arabic) properly signifies "excess", and there are no terms in Islamic Law which correspond to the words "interest" and "usury" in the sense attached to them in the English language; but it was expressly prohibited by the Prophet to his followers to derive any advantage from loans, and that particular kind of advantage which is called by Westerners "interest' and which consists in the receiving back from the borrower a quantity larger than is actually lent to him, was effectually prevented by two rules above mentioned.

LAWFUL TRANSACTIONS

Similars of weight and capacity have a common feature of commodities and marks with further peculiarity their treatment in the Islamic Law. There are aggregates of minute parts, which are either exactly alike or so nearly resemble each other, that the difference between them may be safely disregarded. For this reason they are usually dealt with in bulk, regard being had only to the whole of a stipulated quantity, and not to the individual parts of which it is composed. When sold in this manner, they are said to be indeterminate. They may, however, be rendered specific in several ways. Actual delivery, or production with distinct reference at the time of contract, is sufficient for that purpose in all cases. But something short of this would suffice for all similars, excepting money. Thus flour, or any kind of grain, may be rendered specific by being enclosed in a sack, or oil, or any liquid, by being put into casks or jars; and though the vessels are not actually produced at the time of contract, their contents may be sufficiently particularized by description of the vessels and their locality. Money is

not susceptible of being thus particularized. Hence, money is said to be always indeterminate. Other similars, including similars of tale (number), are sometimes indeterminate. Dissimilars, including those of tale, are always specific.

When similars are sold indeterminately, the purchaser has no right to any specific portion of them until it be separated from a general mass, and marked and identified as the subject of the contract. From the moment of offer till actual delivery, he has nothing to rely upon but the seller's obligation, which may, therefore, be considered the direct subject of the contract. Similars taken indeterminately are accordingly termed *dayn* or obligation in the Islamic Law. When taken specifically, they are classed with dissimilars under the general term of *'ayn*. The literal meaning of this term is "substance or thing"; but when opposed to *dayn* it means something determinate or specific. The subject of traffic may thus be divided into two classes: specific and indeterminate; or if we substitute for the latter the word "obligation" and omit the word "specific" as unnecessary when not opposed to "indeterminate", these classes may according to the view of Islamic lawyers, be described as things and obligation.

It is a general principle of the Islamic Law of sale that credit cannot be opposed to credit, namely that both the things exchanged cannot be allowed to remain on the responsibility of the parties. Hence it is only with regard to one of them that any stipulation for delay in delivery is lawful. Price admits of being left on responsibility, and accordingly a stipulation for delay in the payment of the price is quite lawful and valid. It follows that a stipulation for delay in the delivery of the things sold cannot be lawful. And this is the case, with the exception of a particular kind of sale, hereafter to be noticed, in which the thing to be sold is always indeterminate, and the price is made in advance. It may, therefore, be said of all specific things when it is a subject of sale, that a stipulation for delay in their delivery is illegal, and would invalidate a sale. The object of this rule may have been to prevent any change of the thing sold before delivery, and the disputes which may in consequence arise between the parties.

There is a kind of sale known as *salam* in the Islamic Law. This word literally means an "advance"; and in a *salam* sale the price is

immediately advanced for the goods to be delivered at a future fixed time. It is only things of the class of similars that can be sold in this way, and as they most necessarily are indeterminate, the proper subject of sale is an obligation, while, on the other hand, as the price must be actually paid or delivered at the time of the contract, before the separation of the parties, and must, therefore, even in the case of its being money, be produced, and in consequence be particularized or specified; a *salam* sale is strictly and properly the sale of an obligation for a thing, as defined before. Until actual payment or delivery of the price, however, it retains its character of an obligation, and for this reason the price and the goods are both termed "debts", and are adduced as examples of the principle that the sale of a debt, i.e. of the money or goods which a person is under engagement to pay or deliver before possession, is invalid.

There is another transaction which comes within the definition of sale; it is that which is called *qard* in Arabic and "loan" in English. The borrower acquires an absolute right of property in the things lent; and comes under an engagement to return an equal quantity of things of the same kind. The transaction is, therefore, necessarily limited to similars, whether of weight, capacity, or tale, and the things lent and repaid being of the same kind, the two rules mentioned for the prevention of *riba* or usury must be strictly observed. Hence it follows that any stipulation on the part of the borrower for delay or forbearance by the lender, or any stipulation by the latter for interest to be paid by the former are alike unlawful.

Notwithstanding the stringency of the rules for preventing usury, or the taking of any interest on the loan money, methods were found for evading them, while still keeping within the letter of the law. It had always been considered lawful to take a pledge to secure the repayment of a debt. Pledges were ordinarily of movable property; when given as security for a debt, and the pledge happened to perish in the hands of the pawnee, the debt was held to be released to the extent of the value of the pledge. Land, through scarcely liable to this incident, was sometimes made the subject of pledge, and devices were adopted for enabling the lender to derive some advantage from its possession while in the state of pledge. If repayments were made at the assigned term, the lender was obliged to recovery; but if not, the property would remain his own, and the difference between its value and the price or sum lent might have

been made an ample compensation for the loss of interest. This form of sale which is called *bay'ul wafa'i*, in Arabic, a term given to a sale of something that may be reconveyed by the seller on repayment at a fixed period of the price or sum given. This form of sale seems to be strictly legal according to the most approved authorities, though held to be what the law calls abominable, as a device for obtaining what it prohibits.

In constituting sale, there is no material difference between the Islamic and other systems of law. The offer and acceptance, which are expressed or implied in all cases, must be so connected as to obviate any doubt of the one being intended to apply to the other. For this purpose, the Islamic Law requires that both shall be interchanged at the same meeting of the parties, and that no other business shall be suffered to intervene between an offer and its acceptance. A very slight interruption is sufficient to break the continuity of a negotiation, and to terminate the meeting in a technical sense, though the parties should still remain in personal communication. An acceptance after the interruption of an offer made before it would be insufficient to constitute a sale.

As personal communication may be inconvenient in some cases, and impossible in others, the integrity of the meeting is held to be sufficiently preserved when a party who receives an offer by message or letter declares his acceptance of it on receiving the communication and apprehending its contents.

When a sale is lawfully contracted, the property of the things exchanged passes immediately from and to the parties respectively.

In a legal sense, delivery and possession are not necessary for this purpose. Until possession is taken, however, the purchaser is not liable for accidental loss, and the seller has a lien for the price on the thing sold. Delivery by one party is in general tantamount to possession taken by the other. It is, therefore, sometimes of great importance to ascertain when there is a sufficient delivery; and many cases real or imaginary, on the subject, are inserted in the books of detailed theology[1]. It sometimes happens that a person purchases a thing of which he is already in possession, and it then becomes important to determine in what cases his

(1) « Fatâwa-al-maghirt ».

previous possession is convertible into a possession under the purchase. Unless so converted, it would be held that there is no delivery under the sale, and the seller would of course retain his lien and remain liable for accidental loss.

Though possession is not necessary to complete the transfer of property under a legal sale, the case is different where the contract is illegal; for here property does not pass till possession is taken. The sale, however, though so far effectual, is still invalid and liable to be set aside by a judge, at the instance of either of the parties, without any reference to the fact of the person complaining being able to come before him with what in legal phraseology is termed "clean hands". A Muslim judge is obliged by his law to interfere, for the sake of the law itself, or, as it is more solemnly termed, for the right of God, which is the duty of the judge to vindicate, though by so doing he may afford assistance to a party who personally may have no just claim to his interference.

RENDERED TEXTS OF THE KORAN ENJOININMENTS RELATING TO TRADE AND USURY

"They (the unbelievers) say that trading is just like usury, (tell them that) God allows trade and forbids usury".(Koran: 2: 275)

"God does not bless Usury but He blesses charity and makes it fruitful".(Koran: 2: 276)

"When ye contract a debt for a fixed time, record it in writing; let a scribe record it between you (two parties) in term of equity. But if a debtor is a minor, weak (in brain) or unable to dictate, call two men to witness; if not, one man and two women... Do not be averse in writing the contract whether small or great and record the term".(Koran: 2: 282)

"If a debtor is in a straitened condition, postpone claim for payment until he finds it easy to pay back the debt, or, better still, if you can, remit the debt as almsgiving". (This is in case of extreme poverty and inability on the part of a debtor who instead of persecution and imprisonment deserves sympathy and help). (Koran: 2: 280)

"If ye are on journey and cannot find a scribe, a pledge with possession may serve the purpose, and if one of you deposits a thing on trust with another; let the trustee faithfully discharge his trust".
(Koran: 2: 283)

"When measuring, make the measure perfect and weigh with a right balance"(Koran: 17: 35)

"Keep up the balance with equity and never make the measure deficient".(Koran: 55: 9)

"Woe to the defrauders who when they take, they demand in full measure, but when they give, they measure less".(Koran: 83: 1-3)

APPENDIX TO CHAPTER ON USURY

The basis of prohibition of usury is no doubt sympathetic feeling towards those in distress. The word used in the Quran bearing on the forbiddance of usury is the Arabic word *riba* (literally an excess or addition) which signifies an addition over and above the principal sum *lent* or *borrowed*[1]. The term is considered by some broad-minded commentators to apply only so that it does not include any kind of interest, where neither the depositor of the money nor the trustee is oppressed. Once the transaction differs from the common form of usury, it is more likely to obtain the legalization of the law.

It is rightly argued that the prohibition of interest in all forms of transactions would be a serious drawback on trade and business transactions and also in the execution of important national schemes. It is unquestionable that this prohibition, whenever applied in a broad sense in the name of the Mohammedan law, would not fit in the frame of the modern world conditions.

The material civilization of the West has given rise to conditions in which usury and interest seem to be unavoidable, and so the Muslims were told more than thirteen centuries ago that the Holy Prophet said:

(1) Vide Taj-el-Arus Lexicon.

"A time will come over people when not a single person will remain who does not swallow down 'riba', and if there be any who refrains from it, still its vapor (or dust) will overtake him".

Such is the time in which we are living so that some solution has to be sought for the great economic questions which at present confront the Muslim nations.

In the forefront of all these questions is the modern banking system. Some theologians are of opinion that this system is not in conformity with the Koranic law which prohibits *riba* or usury. Carefully examined and technically studied in the light of the surrounding economic interests of the nation, the banking system should not come within the scope of the prohibitory law of *riba*. The question of trade, which is today no longer a national but an international concern, is entirely dependent on the banking system. Therefore, the Mohammedan Law, which is a mercy from Almighty God to mankind, can never stand an obstacle in the way of the general national interest.

The banking system, with its legalization of interest, has proved to be a necessary condition of economic life, and in the prevailing conditions this seems to be unavoidable. Not only Muslims living under non-Muslim States cannot avoid it, but even Muslim States seem to be driven to the necessity of employing it.

Therefore, some solution had to be sought to defend the economic question confronting the Muslim nations relating to interest on money lent, borrowed or deposited.

Usury is no doubt universally condemned when it becomes oppressive for the debtor, a fact which is borne out by the history of indebtedness in all countries.

In Egypt, the great centre of Islam, the rulers have legalized seven percent as the maximum interest on money borrowed or lent for trade transactions and economic accomplishments. Within such a scale, the Muslims are free to transact business on the banking system. About fifty years ago, when Egypt promulgated the Post Office Savings Bank, which

ensures 2.5% on individual savings, some objection was raised as to the lawfulness of the institution on the assumption that it legalizes *riba.*

Thereupon, the Muslim Government resorted to ijtihad, the third source of Jurisprudence and referred the matter for legal decision to the Grand Mufti of the State, Imam Sheikh Mohammad Abdou by name. He was an admitted mujtahid, entitled to give his verdict on knotty questions. He gave his decision to the effect that the institution in question was quite lawful and that the interest gained there from by the depositors could not be considered *riba*, of which the factor must be money actually borrowed as a debt, but not for savings or for money given to a trustee to employ the same on trade or other economic transactions. This decision was made public throughout the country and no other mujtahid at the time gave his opinion to the contrary or opposed the decision. Hence, an ijma' sukuti was arrived at, and the Post Office Savings Bank had ever since run as a lawful management.

Bank Deposits

The question of deposits in banks, on which interest is payable seems to be more like the question of trade, a necessity of modern world conditions, which cannot be avoided. The bank receives the money not as a borrower but as a trustee, where money is safe and can be withdrawn at the time of need. But at the same time it does not allow the money to lie idle, and draws some profit from it, the major portion of which again comes in the shape of interest. Out of this profit, the bank pays a certain amount to the depositors, the rate of which depends generally on the economic conditions prevailing in the country concerned, or in the world at large. It does not make over the entire profit either to the shareholders or to the depositors, but carries a certain amount to a reserve fund to fall back upon in less profitable years, or in cases of loss. So far, therefore, as it is a part of the profit earned by the bank, there is nothing objectionable in it. Some depositors spend the excess amount, which they receive as interest on their deposits on charitable objects. It is really a great pity that hundreds of thousands of pounds of interest are abandoned by Muslim depositors in favor of the banks instead of being made over to some charitable institutions, or to help the poorer classes in the Muslim

communities, if not to be accepted as lawful earnings in consonance with the fatwa (the legal decision), of the "Grand Mufti" referred to before.

Co-operative Banks

The co-operative banks are more in consonance with the spirit of the teachings of Islam, as the idea underlying them is the amelioration of the poor lot who are thus saved from the clutches of the usurer. There is, moreover, this difference between an ordinary bank and a co-operative bank. The former is generally for the benefit of the rich and the capitalists and the latter for that of the poor and the laborers. In the co-operative bank, the shareholders are the depositors as well as the borrowers of money and the interest paid to the bank is, more or less, in the nature of a contribution by which the borrower of money is also ultimately benefited.

Interest on Business Capital

Interest on the capital with which a business is run differs from ordinary debt. It is, in fact, a case in which capital and labor are sharers. But it requires that both capital and labor shall be sharers in profits as well as in loss. The payment of interest at a fixed rate means that capital shall always have a profit, even though the business may be running at a loss. It is true that when the business is profitable, the rate of interest may be much less than the profit earned, but in all such uncertainties the viewpoint of Islam is that neither side should have undue advantage or be made to suffer undue loss. If the business is run at a profit, or if it is being run at a loss, let the capital also share in the loss. The keeping of an account of profit and loss is quite practicable and every business man must keep account of profit and loss, if only for the purposes of taxation. This method is more advantageous for the general welfare the community than the method of charging interest on capital.

State Borrowings

Borrowings by a state or a company for the purpose of executing

projects, such as the building of railways, canals, etc., stand on a different basis. In such cases the shareholders who supply the capital are generally paid a dividend, which is calculated on the basis of profits. But sometimes the shareholders are paid a fixed rate of interest. The question is whether these cases would come under the Koranic prohibition of *riba*! Considering the above *fatwa* of the Grand Mufti it does not. The rate of interest is no doubt fixed and is generally a part of the profit. Occasionally the profits of the concern may be less than the amount of interest paid, or there may be even a loss, but in such cases there is a reserve fund to fall back upon. It cannot, however, be denied that the payment of a varying dividend is more in accordance with the spirit of the teachings of Islam than the payment of a fixed rate of interest.

Chapter (8)

OWNERSHIP

Ownership, termed "Milkiya", in Arabic, is of two kinds:

1. Things in common or joint use, such as public roads, gardens, water, pasture, light and fire lighted in a desert to which any man has a right of warming himself.

2. Private concerns, limited to the ownership of an individual. These may be classified under the following headings: -

a) *Milkul-raqaba*, in Arabic which literally means "possession of the neck", or right of the proprietor to a thing.
b) *Milkul-yadd* or right of being in possession.
c) *Milkul-tasarruf* or right of disposition.

KINDS AND DIVISIONS OF PROPERTY

Property is divided into:

1. *Movable* property, which is subdivided into the following: -
   a) That which is measured, such as rice, etc.
   b) That which is weighed, such as silver, etc.
   c) That which is measured by a linear measure, such as cloth, etc.
   d) That which may be counted, such as animals, etc.
   e) Articles of furniture and miscellaneous things.

2. *Immovable* property, such as buildings, land, etc. A man may not

be the owner of a property, but may have a share in its income, through hard labor, or skill, in which case, he is not concerned with the loss. But a full owner or a member of a company is affected both in the loss and the profit, as part-owners in property, each part-owner is co-owner and bears the responsibility of sharing in the responsibility of maintaining it, repairing, it, etc.. At the same time, each co-owner enjoys the right of demanding his or her share and resolving to separate his or her own share of it from the joint ownership.

There are partial or temporary rights, such as the right of *murur* or passing through another's land, and the right of *shuf'a* or pre-emption, which means that a co-partner in a certain property must be given preference in the matter of its purchase before the property is sought to be sold to a stranger and next to him to a neighbor (if the property is immovable such as a building or land). If there are more partners than one, the preference is to be given according to the proportion of the share, or of the need, as between the parties, or on other considerations. But if the sharer or sharers do not assert their claim at the proper time, their claim lapses. Therefore, when the judge announces the sale of such property, he fixes a time for the exercise of the right. Waste land belonging to the State may become private property by cultivation after permission from the authorities concerned. Land belonging to an individual cannot, however, be acquired through cultivation or effecting other improvements on it. The Islamic Law prevents an individual from becoming a nuisance or a source of annoyance to others in exercising one's own right of ownership. For instance, a man may not build his house so close to his neighbor's as to prevent the access of light and air to them; nor can he discharge rain or water on his neighbour property, etc.

Possession is transferred by *'aqd*, which means a "tie", by the original possessor proposing its transfer on certain terms or unconditionally and the receiver accepting the same. This is called in the law- *'ijab* (proposal), and *qabul* (acceptance). Offers and acceptance of transfers of this kind are classified as follows:

1. *Hiba* or gift - a transfer of Property without any exchange. This is effected by a decree of the court (judge).

2. *Ba-y'* or sale, which is a transfer of property in exchange of

something else. This may be effected by: (a) payment of cash; (b) barter; (c) banding, in which the transaction is cash for cash; (d) sale by payment in advance, so that the goods sought to be bought may be delivered on a future date; and (e) sale in advance, which occurs when goods are made only on receiving an order, its value being paid, in whole or in part, in advance.

3. Mortgage

4. Rent.

5. Bequest of property which takes effect after the death of its owner. The testator has the full right of bequest in one-third of his or her property for private and charitable purposes, after paying the debts (if any) and funeral expenses incurred, the remaining two-thirds being distributed according to the law among his heirs. If he or she desires to bequest more than one-third of her property for charitable purposes, he or she must take the consent of the future heirs. A testator must not be insolvent at the time he or she bequeaths the property in question or in debt to an extent exceeding the value of the property. He or she must be adult at the time the bequest is made. The bequest can be made in writing or verbally in the presence of two males or one male and two female witnesses. An executor after accepting the responsibility cannot decline to discharge it. He must administer the property in case the heirs are minors and distribute the property among them according to the will on their attaining majority. He may sell, pledge, or let the land or house for absolute advantage or for meeting a necessity. But he cannot trade with it unless specifically permitted by the will. A bequest made must be accepted by the legatee. It may be in favour of one or more persons of his own family or to outsiders, who may be Muslims or non- Muslims.

DUTIES OF AN EXECUTOR

Besides generally administering the property, the duties of an executor are: -

(a) Paying the funeral expenses.

(b) Discharging all debts due, if any.

(c) Collecting all dues and debts owing to the testator.
(d) Acting according to the intention of the testator.

A bequest may be revoked during the lifetime of the testator, and all changes he desires may be effected by him in regard to it.

6. *Waqf* or endowments. *Waqf* literally means suspension or standing. It is a word used in the sense of transferring an individual's property and income for some charitable purpose. Endowments among Muslims are made for the erection and maintenance of the following: -

a) Mosques.
b) Hospitals.
c) Free schools.
d) Sacred shrines.
e) Benefit of the poor.
f) Maintaining reservoirs, waterworks etc..
g) Carrying out caravans services, hostels, cemeteries
h) Supporting a family (whole or Poorer members)

The idea of a public charity of this kind began as early as the time of the Prophet; but it developed and took a definite and legal form at about the end of the first or the beginning of the second century of the *Hijra*. Its motive from the very start was the promotion of charity and encouragement of learning, particularly religious learning. Accordingly, the Islamic Law forbids such endowments for purposes opposed to Islamic teachings.

A non-Muslim is permitted to make endowments under the same conditions as a Muslim can. The donor of *waqf* must be in full possession of the property. He must be *'âqil*, a possessor of understanding i.e. sane; *bâligh*, of age; *hurr*, free and of good health at the time he makes the endowment. He must not be in debt for an amount affecting too much the value of his property. The object of the endowment must be of a permanent nature and the property must yield some profit, i.e. it must be productive or beneficial in some other way, as for instance, endowment of a library by presenting a number of books, which though they may not yield an income, may be studied for a very long time.

Endowments may take the form of immovable property, such as land,

buildings, etc. but certain kinds of movable property may also be accepted, such as animals for the milk they may yield.

DIVISIONS OF WAQFS

Waqf, may be divided into:-

1. Khayri, i.e. charitable such as for the benefit of mosques, hospitals, etc...

2. Ahli, that is intended to support a family in which the object aimed at is the perpetuation of a family in good circumstances, by affording it the support of an income of an estate.

A *waqf* needs not necessarily be executed in writing, but in case it is not in writing the donor must expressly declare it before witnesses, i.e. state specifically before them:-

a) His intention to make the endowment.
b) Description of the nature of the endowment, its income, etc.
c) He must provide for its coming into force immediately once the declaration is made.

A *waqf* can be made of one-third part of the donor's property, the remaining two-thirds being left to his heirs, but the donor may increase the quantity by making a gift during his lifetime. Once a *waqf* is properly made and comes into force, it cannot be revoked even by the donor.

In case a mosque is erected, it becomes public property as soon as any man makes his prayer in it. A *waqf* is administered, according to the term of its endowment, by one or more trustees. A single person supervising the administration is called *nâzir*, i.e. manager or administrator; he is paid for his services from the income of the estate to the extent of one tenth of the net income. The founder himself can become the *nâzir* during his lifetime, if he so provided, and be succeeded by one of his family. But in case another is appointed under the terms of the endowment, the founder or his descendants cannot interfere with the

management, so long as it is administered according to the terms and conditions laid down in the endowment. If a *nâzir* fails to carry out his duties honestly, or if he is proved incompetent, it is left to the magistrate (*qadi*) to dismiss him and to appoint a competent man. If an endowment is not utilized for the intended purpose, it becomes the property of the donor or of his heirs.

The endowed property must be free from the claim of creditors. A man cannot make an endowment of his property in favour or of his children if he is in heavy debt, and if his object is to escape payment of his lawful debts.

PART *III*

PENAL LAWS

(Uqubat or Punishments)

Chapter (9)

CRIMINAL INTENTIONAL INJURY

THE third division of the Islamic Law is *'uqubat* or punishments for intentional injury to the following:-

1. Human body, such as murder or causing wound.
2. Human property, by usurpation, theft or damage.
3. Human honor, such as by slander.
4. Breach of public peace, such as rioting, highway robbery, etc.
5. Offences against religion, such as non-attendance at prayers, or non-paying *zakat* (legal alms), etc.
6. Offences against decency, such as adultery, use of intoxicants, and gambling.
7. Offences against the established government, which means rebellion.

The extent of punishment for the above-mentioned crimes extends from administering a warning, or the infliction of a fine, or bodily chastisement by means of stripes, to imprisonment, transportation, cutting off of hands, feet, and lastly putting to death.

Guilt is proved when a man acts intentionally to cause injury to another man. If a man is hurt, but the doer never intends to injure him, he is not held responsible for the injury. For example, when a man keeps a dog in his house and a stranger without warning or permission enters it, and is bitten by the dog; its owner is not responsible for the

consequences. But when a man leaves his horse on the public road and the horse kicks a passer-by and hurts him, the owner is punished for the same. In the case of murder which is called *qisas* (in Arabic) or retaliation, though the murderer must be put to death, the Islamic Law does not insist on such punishment. On the other hand, it recommends the relation of the murdered to accept compensation.

Punishment by way of *qisas*, or the like of a similar injury, is not permitted in doubtful cases. For example, when a man causes fracture in the bone of another, he cannot be punished by inflicting on him the same kind of injury. Thus, the doctrine of *qisas* is limited to certain specified cases. The Islamic Law, however, punishes, in milder manner, the guilty in cases of such nature by administering admonition or scorn, by imposing imprisonment, whipping and finally by taking the life of the criminal. It depends upon the character of the offence, the circumstances under which the offence has been committed, the intention of the party and his age .All these are left to the consideration of the *qadi* (magistrate) whose discretion or judgment is depended upon.

His guide in these matters is the Koran, the hadith (Traditions of the Prophet) and the legal codes as arranged by eminent scholars learned in the law. Levity may be shown in the infliction of punishment, but once it is pronounced there can be no levity in regard to its being carried out. For instance, the magistrate may show leniency in ordering twenty stripes, instead of fifty, but the twenty ordered stripes must be real hard blows, as the Quran orders: *"And let not pity detain you in the matter of Gods commandments"*.

CRIME OF MURDER

Murder

A murderer must either be put to death by order of the magistrate or if the relations of the murdered man or woman are willing in certain cases to forgive the murderer and forego their claim, the guilty party may be made to pay compensations as ordered by the court with mutual consent of the relatives of the murdered man and the murderer. This is

prescribed in the Koran, verses 178 and 179, Chapter 2, Which may be rendered as follows : -

"Retaliation is prescribed for you in the matter of the slain, the free for the free, and the slave for the slave, and the female for the female, but if any remission is made to anyone by his (injured) brother, then prosecution (for the blood-wit) should be made according to usage, and payment should be made to him in a good manner; this (ordinance) is an alleviation from your Lord and a mercy" (2: 178).

"And there is life for you in (the law of) retaliation, O men of understanding that you may guard yourselves" (2: 179).

The meaning is that preservation of life is dependent upon making the law of retaliation work; generally speaking, life cannot be safe unless those who are guilty of homicide are liable to be sentenced to capital punishment.

Qatl (in Arabic), i.e. homicide is classified into the following:-

1. *Intentional murder*: In this case, the offender is to be punished both in this life and in the next. *"Whosoever kills a believer intentionally, his punishment is hell".*

2. *Analogous cases of murder,* i.e. cases when the intention to kill may be inferred. For example, when a man strikes another with a stick, but he may or may not have intended the strike to result in death. If it causes the death of the other, the punishment is that if the intention to kill him is not brought home, then he is fined heavily, but not put to death.

3. *Murder by mistake*: Murder may be committed under a mistake of fact or intention. The former occurs when a man strikes something else but hits the slain man; the latter, when a man has no intention to kill, but his act accidentally causes the death of a person. The following verse bears on this point. It may be interpreted as follows: -

"And it does not behave a believer to kill a believer except by mistake, and whoever kills a believer by mistake he should free a

believing captive (or war prisoner) and blood-money should be paid to his people unless they remit it as alms. But if he cannot find a captive to emancipate, he should fast for two months successively, a penance from God, and God is Knowing and Wise" (4: 92).

4. *Murder indirectly causing death*: For example, if a man digs a well outside his compound, on a public road, or where there is possibility of people having to cross, and a passer-by falls in it and dies, the man is held liable and made to pay a fine. But if this act per se is not illegal, the dead man having taken the risk, there is no liability for reparation to be made for his death.

According to Islamic Law, the man who kills is alone held responsible for his guilt. It excludes his relatives from retaliation by the relatives of the murdered man, as was the custom among the pre-Islamic Arabs.

Chapter (10)

ADULTERY

ADULTERY *or Fornication*: Muslim jurists recommend that an eyewitness in a case of this sort should satisfy the court of the truth of the charge by proving what he saw with his own eyes. If he fails to satisfy the court, he is liable to punishment with eighty stripes. Therefore, it is that the task of becoming as witness is onerous under the Islamic Law. The object is to discourage such charges, which may arise from suspicion, wrong notion, jealousy or other similar causes and which, even if true, have an effect that is not likely to prove healthy on society. Adultery is either committed with an unmarried or a married person. In the former case the punishment is not so severe, but in the latter the punishment is stoning the guilty to death.

A husband may slay his wife, if he finds her with her lover in the act of sexual union. In other cases, an alleged act of adultery, if brought forward by any person, must be proved by four witnesses whose statement should not differ or appear doubtful. If the charge is proved in accordance with the injunctions of the law, the Punishment for fornication (or an unmarried person) is one hundred stripes, inflicted on a man while standing, and on a woman while sitting. At present the punishments for adultery or fornication is relaxed in Muslim countries, especially in those occupied or influenced by foreign powers.

The following is an English translation of the text in the Koran relating to adultery:

"As to the adulterer and the adulteress scourge each one of

them (with a hundred stripes) and let not pity for them detain you in the matter, and let a party of believers witness their chastisement."[1] *(24: 2)*

PUNISHMENT FOR SLANDER

In the case of slander, one who accuses a woman of adultery must produce the evidence of four witnesses, who must clearly state the crime or else the slanderer himself is to be punished, as enjoined upon him by the Koran: -

"And those who accuse free women and cannot bring four witnesses, flog them with eighty stripes, and do not admit any evidence from them ever" (24: 4).

"And as for those who accuse their wives and have no witnesses except themselves, the evidence of one of these should be taken four times, bearing God to witness that he (the husband) most surely says the truth".[2]

"And the fifth (time) that the curse of God be on him if he told lies"[3] *(24: 6, 7)*

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(1) Chastity, as a virtue, is not given the first place in modern civilized society, and hence, while fornication is not a criminal offence even adultery is not considered as sufficiently serious one to subject the guilty party to any punishment except the payment of damages to the injured husband. This, indeed, is a very low view of sexual morality, Materialism has taken such a strong hold of the civilized mind that even chastity, the most precious jewel in a woman's crown of virtue, can be compensated by a few pounds. Hence the Islamic Law seems to be too severe to an easygoing westerner. The breach of the greatest trust which can be imposed in a man or a woman, the breach which ruins families and destroys household peace, is not looked upon except as the breach of a trust of a few pounds.

(2) This is an effectual restraint against slander and gossip, which so often brings disaster upon the heads of innocent women. Unless there is the clearest evidence of adultery against a woman - the evidence of four witnesses - the slanderer himself is to be punished.

(3) The ordinance relates to the case of husbands who accuse their wives of adultery and have no evidence. In such a case a divorce is effected, the husband not being punishable for the accusation, though he cannot produce witnesses and the wife not being punishable for adultery if she denies the charge in the manner stated.

"And it shall avert the chastisement from her (the wife) if she testifies four times, bearing Allah to witness, that he is most surely a liar".

"And the fifth (time) that the wrath of God be on her if he said the truth" (24: 8, 9).

Chapter (11)

THEFT AND ROBBERY

***CRIMES of Theft and Highway Robbery*:**

According to the following text of the Koran, the magistrate may inflict any moderate or severe kind of punishment. It is left to his discretion and depends upon his interpretation of the text and his judgment: - *"The punishment for those who fight against God and his apostle and cause disaster in the land (by highway robbery is: (1) to be slain; (2) crucified; (3) have their hands and feet cut off crossways; (4) or to be banished from the land - unless he or they repent and reform before falling into the hands of the court".(5: 33)*

"And as for the man or woman, who steals, cut off their hands as a punishment from God".(5: 38)

The judge, according to Muslim jurists, may pass the following sentence:

1. If the crime consists in making public highways unsafe for travelers and trade caravans, the punishment is deportation from the country.

2. If anything has been robbed, the guilty parties may be punished by cutting off their right hands and on returns the left feet.

3. If, besides interrupting caravans, public highways are made unsafe and those who are guilty are also held to have killed any man or woman, those adjudged guilty may be put to death or crucified, such a sentence being considered a deterrent one. But if those guilty repent before being

brought before the officers of the law, they may be forgiven, provided that they restore the stolen property; and if they have killed any one, they pay the *diyya* (in Arabic), that is the amount of money fixed by the judge and accepted by the murdered person's relatives, as compensation to be given to his heirs.

The Islamic Law defines theft in the sense of stealing a thing considered as the property of another man kept in his shop, etc. or in any other safe place such as a house, or left in the guard of some guardian. Many things are not considered property, such as:

1. Things which may decay or be wasted as milk, fruits, grain, (not reaped) grass, fish, garden stuff, etc.

2. Intoxicants which a thief may excuse himself by saying he wanted to spill it.

3. Trifling things, such as fowls, etc.

4. Books including copies of the Koran.

5. The public treasure, or *bait-el-mal* (in Arabic) being a property common to all Muslims, the idea being that an individual Muslim cannot be punished by amputation for an offence of this kind, because, as a Muslim, he is entitled when in distress to some share in it.

A creditor may take up to the limit of his claim from a bad debtor without transgression.

In case of theft is proved and the magistrate passes the judgment of cutting off the hand of the thief, it is cut at the joint of the wrist.

This punishment is exacted nowadays in Saudi Arabia, Yemen and Afghanistan of the Muslim countries. Only a very few hands were cut for the charge of robbery or theft during the past twenty years. The punishment is so severe that it proved stringent against such transgressions.

In Hijaz no case of theft or robbery whatever had been recorded or judged for the last ten years (1957).

Intoxicants, gambling, etc., are forbidden by the Koran and the punishment to be inflicted is whipping, as many stripes as may be ordered by the trying magistrate.

The testimony of a gambler or a drunkard is not to be accepted by the court: The Koran's text is rendered thus: -

> *"Intoxicant and games of chance (gambling) and sacrificing to idols and divining by arrows* - so runs the interpretation of the Quran text - *are only an abomination, and the devil's work; shun it therefore that ye may prosper.*
>
> *"It is the devil who required to cause enmity and hatred to spring in your midst by means of intoxicants and game of chance, and to keep you off from the remembrance of God and from saying your prayers, therefore abstain from them." (5: 90-91)*

The Punishment for drinking wine or any intoxicating liquor is whipping, which may consist of as many as eighty stripes.

Such, in brief, is the Penal Law of Islam, which has been modified to some extent, in modern Muslim States all over the world. No Muslim Government in these days (with the exception of Saudi Arabia and Afghanistan) orders the cutting off of the hand of a thief; nor does it allow the ransoming of a murderer. Even as early as the Ummayad rule, Khalifa Hishâm modified the punishment for theft by limiting it to ordinary imprisonment extending to two years. With regard to other crimes, the punishment is today, left to the discrimination of the judge after nature of the crime be alleged and proved.

Chapter (12)

DIVISIONS OF PUNISHMENT

Punishment is divided into three classes:

1. *Hadd* 2. *Qisas* 3. *Ta`zir*

1. *Hadd (pl. hudud)* (literally that which is defined) is that punishment, the limits of which have been defined in the Koran and *hadith* (the Traditions of the Prophet). The following belong to this class:

(a) Adultery, for which the adulterer must be stoned.
(b) Fornication, for which the guilty persons must receive one hundred stripes.
(c) The false accusation of a married person with adultery, for which the offender must receive eighty stripes.
(d) Apostasy which is punishable with death.
(e) Drinking intoxicating liquor, for which the offender must receive eighty lashes.
(f) Theft, which is punished by cutting off the right hand.
(g) Highway robbery: For robbery only, the loss of hands and feet, and for robbery with murder, death, either by sword or crucifixion. This division of punishment has already been dealt with at length in the foregoing chapters.

2. *Qis'as* (literally retaliation) is that punishment which, although fixed by the law, can be remitted by the person offended against, or in the

case of a murdered person, by his heirs. It is applicable to cases of murder and wounding.

3. *Ta'zir*, i.e. punishment which is left to the discretion of the judge. The following chapter presents a thorough explanation of the *ta'zir* (punishment).

Chapter (13)

DISCRETIONARY CORRECTION OR TA'ZIR

Ta'zir (Arabic) from *'azr* (to censure or repel, is that discretionary correction administered for offences, for which *hadd* or fixed punishment has not been appointed.

According to the *Sunni* Law, the following are the leading principles of *ta'zir*: -

Ta'zir in the primitive sense means "prohibition" and also instruction. In the law it signifies an infliction undetermined in its degree by the law, on account of the right of Allah (God), or of the individual, and the occasion of it is any offence for which *hadd* or stated punishment has not been appointed whether that offence consists in word or deed.

1. Chastisement is ordained by the law, the institution of it being established on the authority of the Koran, which enjoins men to chastise their wives, for the purpose of correction or amendment, and the same also occurs in the tradition (examples of the Prophet). It is recorded that the Prophet chastised a person, who had called another "perjurer", and all the Companions agreed concerning this. Moreover both reason and analogy evince that chastisement had to be inflicted for acts of an offensive nature in such a manner that man may not become habituated to the commission of such acts, for, if they were, they might by degrees be led into the perpetration of others more atrocious. Though in chastisement nothing is fixed or determined, the degree of it is left to the

discretion of the *qadi*, (judge), because the design of it is correction, and the disposition of men with respect to it is different, some being sufficiently corrected by reprimands whilst others more obstinate, require confinement or even blows.

2. There are four degrees of chastisement:

First, the chastisement proper to the most noble of the noble (or, in other words the most eminent and men of learning), which consists merely in admonition as if the *qadi* were to say to one of them: "I understand that you have done this or that", so as to make him ashamed.

Secondly, the chastisement proper to the noble (namely commanders of armies and chiefs of districts) which may be performed in two ways, either by admonition (as stated above) or by *jarr* (Arabic), that is by dragging the offender to the door and exposing him to scorn.

Thirdly, the chastisement proper to the middle order (consisting of merchants and shopkeepers, etc.), which may be performed by *jarr* (as above) and also by imprisonment.

Fourthly, the chastisement proper to the lowest order in the community, which may be performed by *jarr* or by imprisonment and also by blows.

3. It is recorded that the ruler of a country may inflict chastisement by means of property, which is by the exaction of a sum of money in the manner of a fine, proportioned to the offence.

4. Chastisement, which is incurred purely as the right of God, may be inflicted by any person whatever. For instance, a man, finding another in the act of adultery with his wife, may slay him; but if the husband knows that expostulation or beating will be sufficient to deter the adulterer from a future repetition of his offence, he must not slay him; if, on the other hand, he sees reasons to suppose that nothing but death will prevent a repetition of the offence, in such a case the husband is allowed to slay that man, and if the woman is consenting to his act, her husband is also allowed to slay her, from which it appears that any man is empowered to chastise another by blows for such offences against the right of God,

even though there be no magistrate present; the reason of this is that the chastisement in question is of the class of the removal of evil with the hand. The Prophet has authorized every Muslim to remove evil with the hand if possible, as he has said; *"Whoever among you see the evil, let him remedy it with his own hands; but if he be unable so to do, let him forbid it by his tongue"*. Chastisement, therefore, is evidently species other than punishment, since authority to inflict the latter does not appertain to any but a magistrate or a judge. This species of chastisement is also different from the chastisement which is incurred on account of the right of the individual (such as in cases of slander and so forth), since that depends upon the complaint of the injured party, whence no person can inflict it but the magistrate, even under a private arbitration where the plaintiff and defendant may have referred the decision of the matter to any third person.

5. Chastisement in any instance in which it is authorized by the law, is to be inflicted, where the imam, the legal ruler, sees it advisable.

6. If a person accuses of whoredom a male or female slave or an infidel, he is to be chastised, because this accusation is offensive, and punishment for slander is not incurred by it, as the condition of *ihsan* (i.e. marriage of a free Muslim or woman in the sense which induces permissibility for slander) is not attached to the accused; chastisement therefore, is to be inflicted. And in the same manner, if any person accuses a Muslim of anything other than whoredom (i.e. abuses him by calling him a reprobate, a villain, an infidel, or a thief), chastisement is incurred, because he injures a Muslim and defames him; and punishment cannot be considered as due from analogy, since analogy has no concern with the necessity of punishment; chastisement, therefore, is to be inflicted. In the case of abusing a Muslim, the measure of the chastisement is left to the discretion of the magistrate, be it more or less; and whatever he sees proper, let him inflict it.

7. If a person abuses his brother Muslim by calling him an ass or a hog in this case chastisement is not incurred, because these expressions are in no respect defamatory of the person towards whom they are used, it being evident that he is neither an ass nor a hog. Some jurists assert that even such occasions, in our time chastisement may be inflicted, since in the modern acceptation, calling a man an ass or a hog is held to be

abuse. Others, again, allege that it is esteemed as such, only where the person towards whom such expressions are used happens to be of dignified (such as a noble man or a man of letters), in which case chastisement must be inflicted upon the abuser, as by so speaking he exposes that person of rank to contempt; but if he be only a common person, chastisement is not necessarily incurred, but the case is, however, left to the discretion of the *qadi* and this is the most approved doctrine,

8. The greatest number of stripes in chastisement is thirty- nine, and the smallest number is three. This restriction is founded on a saying of the Prophet: *"The man who shall inflict scourging to the amount of punishment, in a case where punishment is not established shall be counted an aggravator"* (meaning a wanton aggravator of punishment), from which saying it is to be inferred that the infliction of a number of stripes in chastisement equal to the same number as in punishment is unlawful. This being admitted, the Muslim jurists, in order to determinate the utmost extent of chastisement, consider what is the smallest punishment and this is the punishment for slander with respect to a slave, which is forty stripes - and establish thirty-nine as the greatest number to be inflicted in chastisement. Abü Yüsif, the eminent jurist and authority, on the other hand, considering the smallest punishment with respect to free men (as freedom is the original state of man), which is eighty stripes, he deducts five and establishes seventy-five as the greatest number to be inflicted in chastisement as aforesaid. This is because the same is recorded of *Imam* 'Ali, the fourth Khalifa, whose example Abü Yüsif follows in this instance. The more modern doctors of divinity assert that the smallest degree of chastisement must be left to the judgment of the *Imam* or *qadi*, who is to inflict whatever he may deem sufficient for chastisement, which is different with respect to different men. It is agreed that the degree thereof is in proportion to the degree of the offence; and it is also established that the chastisement for petty offences should be inflicted to a degree approaching to the punishment allotted for offences of a similar nature; thus the chastisement for libidinous acts (such as kissing and touching) is to be inflicted to a degree approaching to the punishment for whoredom, and the chastisement for abusive language to a degree approaching to the punishment for slander.

9. If the *qadi* (judge) deems it fit in chastisement to unite imprisonment with scourging, as in cases of most vicious offences (such

as committing sodomy), it is lawful for him to do both, since imprisonment is of itself capable of constituting chastisement, and had been so employed, for the Prophet once imprisoned a person by way of chastising him. However, imprisonment is not lawful before the offence is proved, merely upon suspicion: contrary to offences which induce punishment, for there the accused may be lawfully imprisoned upon suspicion. It is also agreed that the *qádi*, according to his discretion, may unite imprisonment with blows in offences deserving the same.

10. The severest blows or stripes may be used in chastisement, because levity is not to be regarded with respect to the nature of them, for otherwise the design would be defeated; and hence levity is not shown in chastisement by inflicting the blows or stripes upon different parts of the body. And next to chastisement, the severest blows or stripes are to be inflicted in punishment for whoredom, as that is instituted in the Koran. Whoredom, moreover, is a deadly sin, in so much that lapidation for it has been ordained by the law. And next to punishment for whoredom, the severest blows or stripes are to be inflicted in punishment for wine-drinking, as the occasion of punishment is there fully certified, and next to punishment for wine-drinking the severity of the blows or stripes is to be attended to in punishment for slander, because there is a doubt in respect to the occasion of the punishment (namely the accusation), as an accusation may be either false or true. And also because severity is here observed in disqualifying the slanderer from appearing as evidence; wherefore severity is not also to be observed in the nature of the blows or the stripes.

11. If the magistrate inflicts either punishment or chastisement upon a person, and the sufferer should die in consequence of such punishment or chastisement, his blood is *hadar* that is to say nothing whatever is due upon it, because the magistrate is authorized therein, and what he does is done by decree of the law; and an act which is decreed is not restricted to the condition of safety. This is analogous to a case of phlebotomy; that is to say if any person desires to be left to bleed, and consequently dies, the operator is in no respect responsible for his death ; and so here also. It is different however, in the case of a husband inflicting chastisement upon his wife, for his act is restricted to safety, as it is only allowed to a husband to chastise his wife. In the case of the fine of blood according to the *Shaf'i* School of Jurisprudence, this is due from the public treasury

(bait-el-mal) because although (where chastisement or punishment proves destructive) it is homicide by misadventure (as the intention is not the destruction, but the amendment of the sufferer), a fine is due from the public treasury, since the advantage of the act of the magistrate extends to the public at large, wherefore the atonement is due from their property, namely from the public treasury. On the other hand, according to the *Hanafi* School of Theology, whenever the magistrate inflicts a punishment ordained by God upon any person, and that person dies, it is the same as if he had died by the visitation of God, without any visible cause, wherefore there is no responsibility. In any case, the matter is left to the ruler to decide according to his discretion.[1]

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(1) Refernces: Hidâya, Durrul-Mukjjtàr the Fatâwa-al-Maghjri etc.

Chapter (14)

SINFUL ACTS

CLASSIFICATION

Sins are classified into:

1. *Kabira* or great.

2. *Saghira* or small.

Among the great sins are: -

1. Associating any being with God.
2. Willful murder.
3. Adultery.
4. Theft or Robbery.
5. Unnatural crime.
6. Drunkenness.
7. Telling lies.
8. Usury.
9. Disobedience to one's parents.
10. Charging illegally a Muslim woman with fornication.
11. False witness.
12. Defrauding orphans.
13. Despair of God's mercy under hard trials of destiny.
14. Cowardice in defensive religious warfare.
15. Neglect of prayers or of fasting without any justification.
16. Gambling.

This division is based upon the following interpreted text in the Holy Koran: -

"To those who avoid the great sins and scandals but commit only the lighter faults, verily the Lord will be diffused of mercy".(53: 32)

According to Islam, a human being does not possess evil in his true nature or self but has the weakness of being tempted into evil. Therefore, evil is not a human disposition but an acquired habit. It is a mental disease and may be cured through right preaching and training. Satan, who is evil by nature, was the first to sin, i.e. to disobey the command of God. His sin was self-conceit and pride, enumerated among the heaviest sins. The evil tendency is the bidding of an animal soul.

The ruler's wife in the story of Joseph, the Prophet, is quoted in the Holy Koran to have said to herself:

"I do not declare myself free from (human) weakness: most surely it is the animal soul that commands evil (and hence man does evil) but God is so Merciful to forgive as He is the most Merciful".(12: 54)

Therefore, if the carnal (animal) soul is brought under the control of true self, one may become free from evil.

Sincere repentance from any sin may bring God's mercy and salvation. If a non-Muslim embraces Islam, his past shortcomings are all forgiven. A Muslim, by committing a great sin, becomes a sinner, but not an infidel. According to *"sunnis"*, the Prophets, all of them, including those of the Old and the New Testaments, do not commit any great sin, but are liable for any slight imperfections in action. For example, in the case of Adam, his action in eating the forbidden fruit was not disobedience but weakness of the understanding, or rather forgetfulness of the divine commandment and not intentional disobedience thereof. Therefore, he is not to be treated as one who was disallowed from seeking pardon at hands of God. Nor does seeking pardon of God necessarily mean committing any sin. It is only a sign of humility towards the Almighty God. It is admitted that human beings in any stage of human perfection are not perfect and their imperfection is in itself

sufficient reason to seek God's pardon because an 'imperfect' acts completely to the bidding of the 'Perfect' (i.e. God). There is a tradition that the Holy Prophet said: *"I ask pardon of God and repent towards Him so many times every day"*. Thus, "sin" is human imperfection, a weakness in being tempted, though the real self remains pure in its essence.

Suicide.-Suicide is a great sin, because it is considered a willful act to kill oneself. According to the tradition of the Prophet: *"Whoever kills himself will suffer in hell"*. In Islam, life is respected and its destruction, though it may be in one's own care is forbidden. Accordingly, cases of death by suicide are very rare in Muslim countries. A true Muslim must submit to the decrees of God and accept cheerfully all unavoidable events. According to the teachings of the Holy Koran, some of these happenings should be taken to be trials ordered by the Almighty God. The following is an English translation of the Koranic text bearing on the subject: -

> *"And He will most certainly try you with some fear, hunger, loss of property, lives, and fruits (i.e. result of your strivings), and the Prophet is ordered to give good news to the patient in all such trials; they who, when a misfortune or a loss of property or lives befalls them, should say nothing but that surely they are the belongings of God and to Him they shall return. Upon those who are patient, the Almighty God will shower His blessings and mercy, whence they prove to be submissive and dutiful to their Lord".(2: 155-157)*

From this point of view, a Muslim, in attempting to commit suicide, is really revolting against the trials sent down to him by God in the form of misfortunes.

PERMISSIBLE AND PROHIBITED FOOD

Food is also divided in Islamic religion into permissible and prohibited.

Among the forbidden foods are the following: -

Quadrupeds that seize their prey with their paws and teeth or talons, such as cats, tigers, etc.; and among birds; crows, kites, eagles, etc. Besides these, the flesh of elephants; the flesh of any animal dying a natural death; the blood; the flesh of swine; and the flesh of those animals over which names other than God's name have been invoked when slaughtered.

The following is an interpretation of the text in the Holy Koran bearing on the subject: -

> *"Forbidden to you is that which dies of itself; and blood and flesh of swine, and that on which any name other than that of Allah (God) has been invoked (while the animal is being slaughtered) and the strangled (animal), and that beaten to death an that killed by a fall and that killed by being smitten with the horn, and that which beasts have eaten, except what you slaughter in the proper manner"*[1] (5-3).

An animal to be fit for food must be slaughtered with a sharp knife; in using it care must be taken to avoid suffering to the animal as far as possible. Before killing, the name of God must be recited before using the knife (the formula Allahu akbar - God is greater - is usually said), signifying that it was God who allowed animals to be slaughtered for the nourishment of human beings.

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(1) The exception may apply to the five classes related. The meaning is that if an animal partly eaten by wild beasts is found still alive and is slaughtered in the proper manner, its flesh is allowed.

PART *IV*

MORALITIES

Chapter (15)

MUSLIM ETHICAL BASIS OF SOCIAL LIFE

The ethical Muslim social life is rather a difficult subject to write about in anything like adequate fashion. Islam is international, and Muslims, who inhabit different parts of the world and live in different stages of social development, are attached to their inherited customs of ages, some of them of pre-Muslim origin. The ethical basis on which Muslim society is built up may be traced back to the last address delivered by the Prophet soon after his farewell pilgrimage, in which he said:

> *"O men. Listen to me, for I may not be with you after this year in this place. Let it be well understood that your lives and property are sacred and inviolable to each other. Everyone will have his share of inheritance. The child belongs to his parents. You have rights over your wives and they have rights over you. They should not be faithless to you and you must treat them with loving kindness. Do not transgress, and be faithful to any trust placed in you. Usury is prohibited and also vengeance for blood. Treat your slaves (servants) with kindness, feed them with what you eat, and clothe them as you do yourselves. Forgive them if they commit fault. The slaves in your possession, who perform prayers, are your brothers and all Muslims are brothers to one another. I ask you all to guard yourselves against all sorts of injustice".*

Such was the fraternal spirit under which Muslim society came to be first established and later developed, first and foremost in Arabia and

then Central and South Asia, North Africa, and Southern Europe. The same spirit made itself felt in less or more degree, wherever Islam permeated even in a mild or attenuated form.

Among the more important factors which influence the development of society is the status assigned to men and women as members of the family.

In Islam man is the maintainer of the family and as such holds greater power and responsibility, though women take a prominent part in it. In fact, one of the most striking features in Muslim culture is the position assigned to women in social life.

POSITION OF WOMEN IN ISLAM

Among the pre-Muslim Arabs, the custom of polyandry was prevalent. A woman could break off her relations with her husband, simply by turning the side of her tent. She was free, too to choose her husband either directly or through her parents and dismiss him at her pleasure. A woman could possess several husbands, and children were born to an unknown father, and not knowing the father they had to live with the mother. The kinship was recognized from the mother's side and the affection of children was built up more among the relatives of the mother than of the father. The eldest member of the family was recognized as the head, and several brothers had one wife in common between them, and the man who was with her at any time, used to fix, his stick on the door of the tent, which was a sign for others not to enter it.

Women among the pre-Islamic Arabs were included in the property inherited, and on the father's death, a son could marry his stepmother. Mothers-in-law were also taken as wives. Islam however, definitely abolished all these relations, and made the father's side stronger to safeguard the chastity of women, to prevent polyandry and to make man responsible for the support of his wife and children. Thus, while Arab women lost certain indecent privileges and freedom, they gained security in livelihood, and a higher social position.

Islam also abolished the evil custom of female infanticide, which was

common among the pre-Islamic Arabs, where a father used to consider it his sacred duty to take his daughter of tender age and bury her alive.

Islam contributed towards the improvement of the position of women in various ways:

1. Retaining certain of the more ancient healthy customs, such as respect and good treatment of a foster mother.

2. Making a woman the mistress of her own property, in which the husband had no right to interfere except with her permission.

3. Giving her the right of claiming divorce on the following grounds: impotence of the husband; leprosy or insanity on his part; inferior social status; nonpayment of the dowry; and conversion to any religion other than Islam. Divorce is allowed to woman in certain other cases. Thus, if the wife is suspected and accused by her husband of adultery, and he cannot prove her guilt and swear that she is guilty, and she swears she is not guilty, she becomes free from her husband. If she accepts marriage on certain conditions, which cannot be fulfilled by her husband, she secures freedom of action.[1] If, again, she is not paid her *nafaqa*, (maintenance), or if she is highly maltreated or if she can establish sufficient reason why she should be allowed to have recourse to divorce proceedings, she becomes free.

4. She needs not take part in fighting lines in case of war, though she may help the fighting men and nurse or encourage them against the enemy.

5. She is free to re-marry after divorce.

6. She is encouraged to study and acquire learning.

7. Then, again, if the husband remains absent from home in an unknown place for a very long time and does not pay for her maintenance, the wife may procure a decree of divorce from the judge, etc.

(1) Vide Chapter on Marriage where it is stated that "marriage in Islam is but a 'civil' contract".

Divorce was very common among the pre-Islamic Arabs and, though a lawful act, it was condemned by the Prophet who said: *"The thing most disliked by God (of lawful acts) is divorce"*. He has also praised a good wife by saying: *"The world and its pleasure are valuable but more valuable than all pleasure is a virtuous wife"*. The Holy Prophet also said: *"The best of you in the consideration of the Almighty God is the man who treats his wife best"*.

Chapter (16)

MUSLIM ETHICS AND MORALITIES

Muslim ethics and moralities as stated in the Koran embrace the consideration of all those moral excellences known to any advanced civilization such as sincerity, honesty, humility, justice, patience, straightforwardness, keeping a promise, chastity, meekness, politeness, forgiveness, goodness, courage, veracity, sympathy, and other ethical instructions and rules of conduct which are recommended, praised and enjoined upon Muslims in the Holy Koran and in the teachings of the Holy Prophet.

But the Koran does not simply enumerate such moral qualities and distinctions as God is pleased to enjoin upon his servants; nay it further gives us ethical teachings as to how man can get to acquire these moral excellences and shows the straight way leading to their achievements. It teaches that there are three springs, out of which the physical, moral and spiritual conditions flow. Now, what is the effect of the teachings of the Holy Koran upon the physical state of man, how does it guide us with respect to it and what practical limits does it set to the natural inclination? It may be remarked at the outset that according to the Muslim Scripture, the physical conditions of man are closely connected with his moral and spiritual states, so much so that even his modes of eating and drinking play a part in the molding of his moral and spiritual qualities. If, therefore, his natural desires are subjected to the directions of the law, they take the form of moral qualities and deeply affect the spiritual state of the soul. It is for this reason that in all forms of devotion and prayer and in all the injunctions relating to internal purity and moral rectitude, the greatest stress has been laid upon external purity and cleanliness and

the proper attitude of the body. The relation between the physical and spiritual nature of man would become evident on a careful consideration of the actions of the outward organs and the effect they produce upon the internal nature of man. Weeping, even when artificial, at once saddens the heart, while an artificial laugh makes it cheerful.

Likewise, a prostration of the body, as is done in prayer, causes the soul to humble itself and adore the Creator; whereas strutting produces vanity and vainglory. Experience also shows the wrong effect of food upon the heart and brain powers. For the vegetarians ultimately may lose courage. There is not the least doubt that food plays an important part in the formation of the character. Furthermore, as there is a defect in excluding meat from the diet altogether, excess of meat is also injurious to character and badly affects the admirable qualities of humility and meekness. But those who adopt the middle path are heirs to both the noble qualities of courage and meekness. It is with this great law in view that the Holy Koran gives the instructions:

> *"Eat (meat as well as other food) and drink but do not give way to excess (in any particular form of diet so that your character and health may not suffer from it)"* (7: 31).

In fact, there is a mysterious relation between the body and the soul of man, and the solution of the mystery is rather beyond human comprehension.

DIRECTIONS RELATING TO REFORMATION OF MAN'S EXTERNAL LIFE

The directions relating to the reformation of the external life of man and his gradual advancement from savageness to civilization until he reaches the highest pinnacles of spiritual life are based on the following method: The Almighty God has been pleased to lead man out of darkness and raise him up from a savage state by teaching him the rules relating to his ordinary daily actions and modes of social life. Thus they begin at the lowest point of man's development, first of all, drawing a line of distinction between man and the lower animals, teaching him as well the

first rules of morality which may pass under the name of sociality. Next they undertake to improve upon the low degree of morality already acquired by bringing his habits to moderation, thus turning them to sublime morals.

Therefore, in the first stage we are concerned with more ignorant savages, whom it is our duty to raise to the status of civilized men by teaching them the social laws embracing their daily mutual relations.

The first step towards civilization, therefore, consists in teaching the savage not to walk about naked, or devour carcasses, or indulge in barbarous habits. This is the lowest grade in the reformation of man. In humanizing people upon whom no ray of the light of civilization have yet fallen, it is necessary, first of all to take them through this stage and make them accustomed to morals of the lowest type. When the savage has learned the crude manners of society, he is prepared for the second stage of reformation. He is then taught the high and excellent moral qualities pertaining to humanity as well as the proper use of his own faculties and of whatever lies hidden beneath them. Those who have acquired excellent morals are now prepared for the third stage. After attaining the outward perfection, they are made to taste of the real knowledge and love of God. These are the three stages which the Holy Koran has described as necessary for anyone who has embraced Islam.

Our Holy Prophet was raised at a time when the whole world had sunk to the lowest depth of ignorance. Utter darkness and barbarism at that time prevailed over the whole of Arabia. No social laws were observed, and the most despicable deeds were openly committed. An unlimited number of wives were taken, and all prohibited things were made lawful. Rape and incest reigned supreme and mothers were not infrequently taken for wives. It was to prohibit this horrible custom that the words of the Quran were revealed: ﴿حُرِّمَتْ عَلَيْكُمْ أُمَّهَٰتُكُمْ﴾, i.e. "Your mothers are prohibited to be taken as your wives". Like beasts, most Bedouin Arabs did not even hesitate to eat of carcasses and practice cannibalism. There was no vice which was not freely practiced by them. The great majority of them did not believe in a future life, and not a few were atheists. Infanticide prevailed throughout the whole peninsula, and they mercilessly butchered orphans to rob them of their properties. Their thirst for wine was excessive and fornication was committed unscrupulously.

Such was the dark picture of the time and the land in which the Holy Prophet of Arabia appeared, and it was to reclaim this wild and ignorant people that the word of God came upon him. It is for this reason that the Holy Koran claims to be a perfect guidance to mankind as to it alone was given the opportunity to work out a reformation complete on all sides, the other Scriptures having never been given such an opportunity. The Koran had a grand aim before it. It had first to reclaim mankind from savagery and to make good men of them, then to teach them excellent morals and make them good, and last of all to take them to the highest pinnacles of advancement and make them godly. The Holy Koran gives excellent and distinct teachings on these three points.

It is to be observed that the first stage of a moral being, i.e. one whose actions can be classed as good or bad morally, is that in which he is capable of distinguishing between good and bad actions or between two good or two bad actions of different degrees. This takes place when the reasoning faculty is sufficiently well developed to form general ideas and perceive the omission of a good deed and feel repentance or remorse after doing a bad one. This is the second stage of man's life which the Holy Koran terms *"nafsil-lawwâma"*, i.e. the self-blaming soul (or conscience). But it should be borne in mind that for the primitive-minded man or the savage to attain this stage of the self-blaming soul, mere admonition is hardly sufficient. He must have so much knowledge of God that he may not look upon his own creation of God as an insignificant or meaningless thing. This soul-ennobling sense of God can greatly help to lead to actions truly moral. And it is for this reason that the Holy Koran inculcates a true knowledge of God along with the admonitions and warnings, and assures man that every good or bad action is watched and seen by God and that accordingly it bears fruit which causes spiritual bliss or torture in this life, while a clear and more palpable reward or punishment awaits him in the next. In short, when man reaches this stage of advancement, which we have called the self-blaming soul, his reason, knowledge, and conscience reach the stage of development, in which a feeling of remorse overtakes him in doing unrighteous deeds and he is very anxious to perform good ones. This is the stage in which the actions of man can be said to be moral.

Thus in the earliest stage in man's civilization, the Koran teaches this particular portion of morals which we term "manners". Koranic Laws are

laid down to guide the actions of daily life; and all that is necessary to make the primitive-minded a social being is inculcated. Examples of the injunctions of the Holy Book on this point are as follows: -

"Your mothers are forbidden to you (as wives) and so are your daughters and sisters and your aunts, both on the father's side and the mother's side; and your nieces on the brother's and sister's side, and your foster-mothers, and the mothers of your step-daughters who are your wards, born of your wives to whom you have gone in (but if you have not gone into them then it shall be no sin); and the wives of your sons who proceed out of your loins; and it is also forbidden that you shall have two sisters together (as two wives at one and the same time); this that you did before (in the time of ignorance) is now forbidden to you and forgiven by the All Forgiving and All Merciful God".(4: 23)

"And marry not women whom your fathers have married, but what is passed shall be forgiven (for you did it in ignorance)". (4: 21)

"This day (all) the good things are allowed to you, and the food of those who have been given the Scriptures (Jews and Christians) is lawful for you and your food is lawful for them; and the chaste from among the believing women and the chaste from those who have been given the Scriptures before you (are lawful for you), when you have given them their dowries, taking them in marriage, not fornicating nor taking them for paramours in secret..."[1] *(5: 5)*

"Do not commit suicide"

"Do not kill your children"

"Enter not into houses other than your own (like savages) without permission, but wait until you asked leave; and when you enter, salute the inmates; and if the house is empty do not enter

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(1) There was a custom among some ignorant Bedouins that if children were not born to a man, his wife would secretly go into another man for getting children. It is for the extirpation of this savage custom that the last clause of the above teaching is expressed.

till the owner of the house gives you leave; and if the owner asks you to go back, return forthwith; that is more decent for you".(24: 27-28)

"Enter houses by their doors (not by climbing their walls)".

"When you are saluted with a salutation, just salute the person with a better salutation or at least return the same".(4: 86)

"Wines (including all intoxicants) and games of chance and idols and divining arrows are but an abomination of Satan's mischief, avoid them, therefore, that you may prosper"(5: 90)

"You are forbidden to eat that which dies of itself, and blood, and flesh of swine".(5: 3)

"And they (the new converts) ask what is lawful for them to eat, say: everything good and clean is allowed to you (only the dead and the unclean things which resemble the dead are forbidden)".(5: 4)

"When you are told to make room in your assemblies for others, then make room (that others may sit)". (58: 11)

"Eat and drink, but be moderate in your diet and do not exceed the proper limits". (7: 31)

"Do not indulge in idle talk but speak rightly when occasion requires it". (23:3)

"And let your clothes be clean and let everything that belongs to you (your body, your dwellings, etc) be not dirty". (74:4)

"Bear witness with justice and let not hatred of some people induce you to act inacquitably". (5: 8)

"Act acquitably and be just, God is aware of all that you do". (5: 8)

"When speaking do not shout, and when walking, walk gently". (31:19)

Chapter (17)

THE MORAL CONDITIONS

Having briefly indicated the directions given by the Holy Koran in the first stage of reformation, we now come to the second. After it has given to the savage and the primitive such rules as are necessary for his guidance, it undertakes to teach him high morals. We shall, therefore, mention, as a specimen, only a few of the moral qualities upon which the Holy Koran has laid stress. All moral qualities fall under two heads: (1) those which enable man to abstain from inflicting injury upon his fellow-men, and (2) those which enable him to do good to others : -

1. To the first class belong the rules of conduct which direct the intentions and actions of man so that he may not injure the life, property, or honor of his fellow-beings by means of his tongue or hand or eye, or any other member of his body.

2. The second class comprises all rules calculated to guide the intentions and actions of man in doing good to others by means of the faculties which God has granted him or in declaring the glory or honor of others or in forbearing from punishing an offender, or in punishing him in such a manner that the punishment turns to be a blessing for him.

CHASTITY

The moral qualities which fall under the heading of abstaining from doing wrong or injuries are chiefly four in number. Each of these is

designed by a single word in Arabic, the language of the Holy Koran, which is so rich in vocabulary that it supplies a different word for any different human conceptions, manners and morals. First of all we shall consider the quality of *ihsan* (in Arabic). This word signifies the virtue which relates to the act of procreation in men and women. A man or a woman is said to be "*muhsan*" or "*muhsana*" when he or she abstains from illegal intercourse and its preliminaries which bring disgrace and ruin upon the head of the sinners in the world and severe torture in the next. None is wickeder than the infamous villain who causes the loss of a wife to a husband and that of a mother to her children, and thus violently disturbs the peace of the whole household, bringing ruin upon the head of both guilty wife and the innocent husband and children.

The first thing to remember about this moral quality which we call chastity is that no one deserves credit from refraining from satisfying his carnal desires illegally if nature has not given him these desires. The expression "moral quality", therefore, cannot be applied to the mere act of refraining from such a course unless nature has also granted him the capacity of committing the bad deed. It is refraining under such circumstances, i.e. against the power of passions which nature has placed in man, that deserves to be credited as a high moral quality. Nonage, impotence, emasculation or old age nullifies the existence of the moral quality we term chastity, although refraining from the illegal act exists in these cases. But the fact is that in such cases it is a natural condition, and there is no resistance of passion, and, therefore, no propriety in the act. This is distinction of importance between natural conditions and moral qualities. In the former there exists no tendency to go to the opposite direction, while in the latter there is a struggle between the good and evil passion, which necessitates the application of the reasoning faculty as well as the restrictions of the law together with a true sense of feeling that the Almighty God is aware of all human deeds. There is no doubt that children under the age of puberty and men who have lost the power upon which restrictions are to be imposed, cannot claim to possess a moral quality of so great a value, though their actions might resemble those of chaste men and women. But their chastity, if it might at all be called chastity, is only a natural condition over which they have no control.

For this reason the Holy Prophet announced that *"He is not the true*

courageous who overcomes his enemies, but the truest is he who overcomes and controls his lower passions". Again the tendency of the Muslim precepts is that no man should deserve God's reward for acting in accordance with the ordinances of religion unless he was naturally capable of disobeying them.

The directions contained in the Holy Koran for attainment of the noble quality of chastity are given in the following ordinances: -

> *"Ask (O Prophet) the believing men to lower their gaze (to strange women) and be modest. That is purer for them. (Let them know) that God is aware of all they do". (24: 30)*

> *"And tell the believing women to lower their gaze and be modest, and to display of their adornment only that which is apparent, and to draw their veils over their bosoms, and not to reveal adornment save to their own husbands and husbands' fathers, or their sons or their husbands' sons, or their brothers or their brothers' sons or sisters' sons, or their women or their slaves or male attendants who lack vigor, or children who know naught of woman's nakedness. And let them not stamp their feet as to reveal what they hide of their adornment. Tell the believing men and women to observe these ordinances so that they might lead a successful life". (24: 31)*

> The Holy Koran also instructs Muslims *"Not to draw near unto fornication, but that they should keep aloof from occasions which give rise to such injurious ideas, and keep away from paths which might lead to commission of sin, for he who commits fornication does an extremely wicked deed, and it is an evil way (for it keeps back from attaining the desired perfection)." (17: 32)*

In another verse, the Holy Koran directs those who cannot find a match to employ other means to preserve their continence such as fasting or taking light food or try to apply themselves to remembrance of the fear of God's punishment to the evil-doers. Furthermore, the Koran states that some people of the Christians have devised methods of their own for restraining themselves from sexual relations as by adopting celibacy or monasticism (and thus depreciating marriage), or by submitting

themselves to castration, but all these methods have been invented by the people themselves and not decreed by God, and the result was that they could not observe these innovations as they ought to.

Here the Almighty God declares that He did not prescribe the method of castration, etc., for had these been among the commandments of the Almighty, the people would have to observe these rules and then the human race would long since have disappeared from the face of the earth. In addition to the immorality attaching to such evil practice, it is an objection against the Creator for having put such a power in man. Moreover, it can be easily seen that there is no merit in having been unable to do act, and credit is due to him only who has to resist the evil tendency and to overcome the evil passions from fear of God. The person who has the energy in him to do so deserves a twofold credit, viz. for the application of the energy in the proper place and for refraining from applying it where there is no proper occasion for it. But the man who has lost it is not entitled to any of these. He is like a child and deserves no credit for refraining from what he has lost the power to do. There is no resistance, no overcoming and consequently no merit or glory.

The foregoing Koranic verses not only contain excellent teachings for the attainment of chastity, but point out certain remedies for observing continence: restraining from casting unrestrained looks upon strangers and refraining the ears from listening to love stories of stranger men and women exciting lust; avoiding every occasion where there may be fear of being involved in the wicked deed and, last of all, resorting to fasting or light food and constant remembrance of the fear of God's punishment upon evildoers and wicked transgressors.

Here we can confidently assert that the teachings upon chastity, together with the remedies for continence, as contained in the Holy Koran, are a peculiarity of Islam. One point deserves special attention. The natural propensity of man, in which carnal appetite takes its root and over which man cannot have full control except by undergoing a thorough transformation, is that whenever there is occasion for it, it takes its object into serious and lamentable consequences. The divine injunction in this respect is, therefore, that it is unlawful for a Muslim to cast unnecessary free glances, whether with pure or impure looks, upon

strange women. We must avoid every circumstance which may make us stumble at any time. Unrestrained looks are almost sure to lead to danger.

The word of God, therefore, restrains the lascivious desires of man and woman to avoid the very occasion where there is danger of the excitement of the passions.

This is the secret underlying the institution of the seclusion of women in Islam. It is sheer ignorance of the noble principles of that religion to take seclusion in the sense of shutting up women like prisoners in a gaol. The object of seclusion is that both men and women should be restrained from intermingling freely and that members of the fair sex should not display their decoration and beauty freely to strangers.

It should further be borne in mind that "to restrain the looks", in the Koranic verse, means, in the Arabic language of the Holy Book, the casting down of one's eyes when the object of sight is not one which it is proper for a person to look at freely and not the refraining altogether of one's looks on the proper occasions. The casting down of eyes on proper occasions is the first requirement of pure social life. This habit, without causing any serious disadvantages to man in his social relations, has the invaluable advantage of making him perfect in one of the highest morals, which we call chastity.

HONESTY

We come next to the second moral quality of refraining which consists in not causing injury to others by cheating them or taking unlawful possession of their own properties. Honesty is injury which is called in Arabic أمانة *amana* i.e. honesty. This quality is naturally met with in man. An infant, free as it is from every bad habit, is averse to sucking the milk of a woman other than his mother, if it has not been entrusted to her when quite unconscious. This habit in the infant is rather the root from which grows the natural inclination to be honest, and which is later developed into the moral quality known to advanced civilization as "honesty". The true principle of honesty is that there should be the same aversion to the dishonest taking of another's property. In the child, however, this is not a moral quality but only a natural condition, in as much as it is not regulated

by any principle or displayed on the proper occasion. The child has no choice in the matter. Unless there is a choice, the action of a moral being cannot be included under the category of moral conditions. The person who shows the inclination in obedience to the requirements of his nature, without considering the propriety of the occasion is cannot, in the strict sense of the word, be called an honest man. The person who does not distinctly observe the conditions which raise this natural inclination to the status of a moral quality and cannot lay claim to it although his action may, to outward appearances, resemble the action of a moral being which is done with all the requisites, and after a due consideration of its advisability. We cite an illustration interpretation of a few verses from the Holy Koran bearing upon the subject: -

> *"And if there are among you any owners of property who are weak of understanding, being minors or orphans, and have not sufficient prudence for the management of their affairs, you (i.e. the Muslims) should assume full control over their property as a Court of Wards, and do not make over to them that which God has placed with you as a means of support and as a stock of trade, but assign them a portion of it such as is necessary for their maintenance and clothing; and speak to them words of kindness such as may sharpen their intellects and mature their understandings and train them for the business which is most suited for their capacities, giving them full instruction in these respects. And test the orphans in whatever you instruct them so that you may be able to see if they have made any progress. And when they attain the age of majority (for which the proper limit is eighteen)*[1] *and you perceive that they are able to manage their affairs well, release their property to them. And do not waste it profusely, nor consume it hastily under the fear that they will shortly be of age to receive what belongs to them. If the guardian is well off, he should abstain entirely from taking remuneration from the orphan's estate, but if he is poor he may take a reasonable remuneration. When you make over their property to them, do it in the presence of witnesses; and know well that God takes sufficient account of all your actions".*

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(1) According to Imam Abu Hanifa School of Jurisprudence, if at that age maturity of mind is not attained, the limit may be extended.

"Let those who are guardians over orphans' property have the same fear in their minds as if they have (when dead) left a weakly offspring behind them. Let them, then fear God and speak words of appropriate comfort" (4: 5, 6, 9).

This which the Almighty God has preached is true honesty and faithfulness, and its various requisites are clearly set forth in the verses quoted above.

Elsewhere the Holy Quran teaches us:

"Not to consume each other's wealth unjustly, nor offer it to judges as a bribe, so that with their aid ye might seize other men's property dishonestly" (2: 188).

And again we are instructed thus:

"God enjoins upon you to give back faithfully any trust to its owner. God hates the unfaithful" (4: 58).

In another instance the Holy Quran gives the following instructions: -

"Give just measure and be not of those who diminish. And weigh (things) with an exact and right balance. And defraud not the substance of any people, and do not act corruptly in the earth, making mischief. And guard yourselves against the punishment of God for all sorts of corruption". (26: 181-183)

"And give to the orphans their property, and do not substitute worthless things for (their) good ones and do not devour their property (as an addition) to your property; this is surely a great crime". (4: 2)

These are comprehensive injunctions against all sorts of dishonest dealings, and every breach of trust comes within them. Separate offences are not enumerated in this chapter for a comprehensive list of them should have required much space; and even then it would have been very hard to set a limit to them. But it was the message of the Holy Prophet of Islam to explain in full detail any and all ordinances referred to in the Koran; and Muslims are instructed by the Koran to obey the rules and

abide by the explanations and instructions laid down by God's Prophet whose sayings are to be treated by all believers as if they were God's Himself. The Holy Koran says: *"He who has obeyed the Prophet has in fact obeyed God"*. And again the Koran teaches that the Prophet is charged with explaining and pointing out any precepts revealed to him.

We hope to publish later a separate volume, containing the various rules of conduct touching on all aspects of life and social affairs and democratic dealings, which the Holy Prophet has laid down for the instruction of his followers.

PEACEFULNESS

Let us now turn to the third class of morals falling within the first division, namely the refraining from causing injury to others. This moral quality is that known as peacefulness. It consists in refraining from causing harm or injury of any sort to another person and thus living a peaceful life upon earth. Peacefulness is, no doubt, a blessing for humanity and must be valued for the great good which proceeds from it. The natural inclination, out of which this moral quality develops, is witnessed in the young of a human being in the form of attachment. A natural inclination towards submission and attachment so early witnessed in the young human is only the germ, out of which flows the high moral quality of peacefulness. It is plain that divested of reason man cannot realize peacefulness or hostility. It cannot be called a moral quality that which is not consciously resorted to upon a recommendation of reason.

The directions of the Holy Quran may be briefly noticed:-

"Live peacefully with one another".

"If they (the other party) incline to peace, do you also incline to it". (8: 61)

"There is much good in coming to agreeable reconciliation, i.e. to live peacefully". (4: 128)

"And the servants of the Compassionate (God) are those who walk peacefully upon earth". (25: 63)

"And when they hear frivolous discourse which they fear might lead to some quarrel, they do not listen to it, but pass on with dignity, and do not pick up quarrels on trifling matters (25: 63) i.e. they do not take a hostile attitude so long as no material injury is caused to them. The guiding principle of peacefulness is that one should not be offended at the slightest opposition to one's feelings. The word frivolous in the above teaching requires some explanation. A word or deed is to be frivolous when it causes no substantial loss or material injury to its object, although it be said or done with a mischievous or bad intention. But if the injury is not trivial and causes material loss of life, property or honor, the Islamic moral quality required to meet this emergency is not peacefulness or meekness but forgiveness, which shall be treated later.

The Koran also teaches us to:

> *"Repel the evil deed which is vain or frivolous with such a better answer, as to make the person between whom and ourselves there was enmity or discord to become as though he was a bosom friend" (41: 34).*

In fine, the overlooking of trivial injuries is inculcated in the moral quality of peacefulness.

POLITENESS

The fourth and last class of the negative morals is politeness or gentlemanliness. The preliminary, stage of this quality as witnessed in the child, is cheerfulness. Before the child learns to speak, the cheerfulness of its face serves the same purpose as kind words in a grown-up man, but the propriety of the occasion is an essential condition in classing politeness as "a high moral quality". The teachings of the Quran on this point are as follows: -

"Speak gently and politely with one another".

> *"Let not a folk deride another folk, who may be better than they, neither let women deride other women who may be better than they; neither defame one another, nor insult one another not even by calling him or her by nickname". (49: 11)*

"Avoid such suspicion, for some suspicions are surely sinful, neither backbite one another. Would any one of you love to eat the flesh of his brother, certainly not, ye abhor that: so abhor the other". (49: 12)

"They are most honored by God who are the best in conduct", i.e. those who are most dutiful to God and are fraternally polite with one another. *(49: 13)*

In these fine verses, the Almighty God enjoins upon the believers to lead a polite life, to defame not one another, to avoid entertaining frequent suspicions, not to traduce any person in his absence and to embrace the best conduct in our social life.

"Not to accuse any person of committing sinful deeds or crimes without having sure proof of his or her guilt" (17: 36) and *"to walk not in the earth exultantly or arrogantly" (17: 37).*

FORGIVENESS

We now turn to the second heading of morals which relate to doing good to others as taught by the Holy Koran. The first of these morals is forgiveness. The person to whom a real injury has been caused has the right to redress by bringing the offender to law for punishment or himself dealing out some punishment to him, and therefore, when he foregoes his right of redressing and forgives the offender he does him a real good.

The Holy Quran contains the following injunction upon this point: -

"Praised are they who restrain their anger and pardon the faults of others; and God loves those who do good to others" (3: 134).

"God loves those who shun transgressions and indecencies, and whenever they get angry they forgive (him who caused their anger)" (42: 37).

The Holy Koran also teaches that: *"The recompense for an*

evil deed is punishment proportionate to it, but whoever forgives (the injury caused to him thereby) and amends, he shall have his reward from Allah (God): Surely God does not love the wrongdoer" (42: 40).

Here is a golden Islamic rule for forgiveness of evil. The rule laid down is that evil must be requited by punishment proportionate to the amount of wrong committed. This is a very just and necessary restriction. But the verse furnishes a guiding rule as to the occasions of forgiveness. There is in Islam neither the one extreme of "tooth for tooth" nor the opposite one of "turning the left cheek when the right is smitten" or "giving away the cloak to one who has already taken the coat of his brother". Forgiveness in Islam is highly commended, but it is preached in such a manner as to make it not impracticable; it is the beautiful means that forgiveness may be exercised if it will mend the matter and do good to the wrongdoer himself. The object is to "amend" whether it may be attained by giving proportional punishment or by exercising forgiveness. The course which is calculated to mend the matter should be adopted. The offender would under certain circumstances benefit by the forgiveness and mend his ways for the future. But on other occasions, forgiveness may produce the contrary effect and may embolden the culprit to do worse deeds. The word of God does not, therefore, enjoin that we should go on forgiving faults quite blindly. It requires us to consider and weigh the matter first and see what course is likely to lead to real good. As there are persons of vindictive nature that carry the spirit of revenge to excess, there are others who are ready to yield and are too prone to forgive on every occasion. Excess in mildness, like excess in vengeance, leads to harmful consequences. The mere giving up of a claim to requital from an offender, whatever the circumstances and however serious the nature of the offence done by an attack upon the honor or chastity, is far from being a great moral quality to which men should aspire. The mere presence of the quality in a person, therefore, does not entitle him to real credit unless he shows by its use on the right occasion that he possesses it as a moral quality. The distinction between natural and moral qualities should be clearly borne in mind. The inborn or natural qualities of man are transformed into moral qualities when a person does, or refrains from doing, an act upon the right occasion and after due consideration of the good or evil that is likely to result from it.

Many of the lower animals are quite harmless and do not resist when evil is done to them. A cow may be said to be innocent and a lamb meek, but to neither do we attribute the high moral qualities which man aspires after, for they are not gifted with reason and do not know right from wrong. It is only the occasion upon which anything is done that justifies or condemns a deed; and the wise and perfect word of the Omniscient God has, therefore, imposed this condition upon every moral quality.

GOODNESS

The second moral quality is that known as goodness, i.e. to do good to others, or, in other words, to do good for good which represents the justice in its simplest meaning. Then comes forward - towards the moral development - the higher quality of kindness, followed by the highest quality named tenderness. Thus in the Holy Quran, the Almighty God commands men to repay good for good and (if we can avail ourselves of an opportunity of doing more than mere justice), to do good for the sake of goodness, i.e. without having received any benefit and (if it befits the occasion) to bestow gifts with the natural tenderness of kindred. He forbids rudeness and abomination and wrongdoing (16: 90).

These commandments call attention to three stages in the doing of goodness. The lowest stage is that in which man does good to his benefactors only. Even an ordinary man who has the sense to appreciate the goodness of others can acquire this quality and do good in return for good. From this there is advancement to the second stage in which man takes the initiative to do good to others. It consists in bestowing favors upon persons who cannot claim them as a right. This quality, excellent as it is, occupies a middle position. To it often attaches the infirmity that the doer expects thanks or prayers in return for the good he does, and the slightest opposition from the object of compassion is termed ungratefulness. He would fain have an acknowledgment of the benefit conferred and is led sometimes to take advantage of his position by laying upon him some burden, which the other could not have otherwise willingly borne. To remedy this effect, the Holy Koran has warned the doer of goodness saying, *"Make not your alms or benefits void by reminding those whom you relieve of your obligation, and by injuring*

them" (2: 264). If there is no sincerity in the deed, alms are of no effect, being mere show. In brief, this is an infirmity attached to the noble deed of doing goodness to another that the doer is led sometimes to remind the person relieved of the obligation, or to boast of it. A third stage has, therefore, been taught by the Holy Word of God which is free from every imperfection. To attain this perfection man should not think of the goodness he has done, nor expect even an expression of thankfulness from the person upon whom the benefit is conferred.

The idea of doing good should proceed from sincere sympathy like that which is shown by the nearest relatives: by a mother, for instance, towards her children. This is the highest and the last stage of showing kindness to the creatures of God. Such sympathetic and sincere benefactors are highly praised by the Lord in the Koran where it states that: *"The servants of God (whom He loves) are those who on account of their love for God bestow their food on the needy wretch and the orphan and the bondsman, though longing for it themselves, and who say "we do not confer any obligation upon you, but our desire is that God may be pleased with us and we do it only for the sake of God, and this is a service for which we seek from you neither recompense nor thanks" (76: 8- 9)*; *"God loves those who, when they spend, are neither prodigal nor niggard and keep the mean" (25: 67)*; *"and those of whose property there is a due portion for those who beg and for those who are needy and outcast"(25: 19)*; *"and those who spend in ease and in adversity" (3: 134)*; *"you shall by no means attain goodness till you expend in the cause of your fellow-being out of that whom you love" (3: 92)*; *"and give your kindred what they require in time of need and also to the poor and the wayfarer and do not squander wastefully" (27: 26)*. This verse forbids prodigality and squandering away of wealth in luxury or in proper occasion. Therefore, any excess in the doing of that which would otherwise have been most beneficial is condemned by the law. Nor, it should be borne in mind, is the mere doing of good in any of the forms above mentioned a high moral quality of goodness unless attested to as much by the propriety of the occasion as by exercise of judgment.

In another verse the word of God enjoins upon the believers to *"be good to the parents and to the kindred and to the orphans and to the poor and to the neighbors who are your relatives and to the neighbors who are strangers and the companions in a journey and to the wayfarer; and*

whatever you rightly posses (be they your servants or horses or other domestic animals)"; "this is what God loves you to do, and He does not love the vain booster, and the selfish and does not like those who are niggardly themselves and bid others to be niggards, and hide away what God of His bounty has given them, saying to the poor and the needy, 'We have nothing to give you'" (4: 36, 37).

COURAGE

Courage is a virtue resembling the instinct of bravery. The very young human being, when it lacks sufficient reason, is apt to display bravery and is ready to thrust its hand into the fire, because, having no knowledge of the consequences the instinctive quality is predominant in it, and its action is by no means a noble quality. The virtue which we call courage cannot be displayed but after a good deal of reasoning and reflection and a full consideration of the propriety of the act. The Holy Koran contains the following directions upon this point:-

> *"The true brave are those who lose not their hearts but stand firmly and behave patiently under ills and hardships and in battles - those are they who are true (to themselves), and those are they who guard themselves against the displeasure of their Lord" (2: 177).*
>
> *"They shall have a great reward from their Lord, who do good to others and guard against evil; those who, when they are threatened with the mustering of people against them and are told to fear the forces gathering around to crush them, are not dispirited thereby" (3: 172-174).*
>
> This circumstance, on the other hand, increases the faith of true believers and they say; *"God is sufficient protector and excellent guardian, since they were to fight in the cause of truth and in obedience to their Lord" (3: 173).*

Therefore, the moral quality of courage, according to the teachings of Islam is not a mechanical movement depending upon passions and flowing in one direction only, but is utilized in two ways, viz, with its aid

the faithful resist and overcome the passions of the flesh, and besides they utilize it to resist the attacks of transgressors when it is advisable to do so in the cause of the truth.

The truly courageous do not display their bravery in an insolent manner and with a view to appear with ostentation to other men, but their only consideration is the pleasure of God who wishes them to resist evil by their courage and to be patient under hardships. All this leads to the conclusion that true courage takes its root in patience and steadfastness. The courageous man resists his passions and does not fly from danger like a coward, but before he takes any step he looks to the remote consequences of his action.

Between the daring dash of a savage and the indomitable courage of a civilized man, there is this vast difference that the latter is prepared to meet real dangers but he reasons and reflects even in the fury and tumult of battle, before he proceeds to take the course best suited to avert the evil, while the former in obedience to an irresistible passion makes a violent assault in one direction only.

VERACITY

The next virtue, which is developed out of the natural conditions, is veracity. So long as there is no motive to tell a lie, man is naturally inclined to speak the truth. He is averse to lying from his very nature and hates the person who is proved to have told a plain lie. But this natural condition cannot claim our respect as one of the noble moral qualities. Unless a man is purged of the low motives which bar him from truth, his veracity is questionable. For if he speaks the truth only in the matters in which truth produces no harm to himself and tells a lie or holds his tongue from the utterance of truth when his interest or property or honor is at stake, he can claim no superiority over the untruthful. In fact, no one speaks untruth without a motive, and there is no virtue in resorting to it as long as there is no apprehension of harm. The only circumstance which can serve as a test of truthfulness is the occasion when one's life or honor or property is in danger. The Holy Quran contains the following injunctions on this subject: -

"Shun ye the pollution of idols and shun ye the word of falsehood" (22: 30).

The shunning of idols and falsehood is enjoined in the same breath: it indicates that falsehood is an idol and the person who trusts to it - in like manner as the idolaters and the heathen used to do - does not trust in God for he bows in submission to an idol and does not worship God.

"The witnesses among the true believers - shall not refuse to present themselves whenever they are summoned to give witness; and conceal not true testimony, for he who conceals it has surely a wicked heart" (2: 283).

"When you speak a word or pronounce a judgment, be true and just, though the person concerned be your relative".

"Stand fast to truth and justice and let your testimony be only for the sake of God and speak not falsely, although the declaration of truth might be against your own interest or against your parents or your near relatives, such as your children" (4: 135).

"Let not hatred towards any person induce you to act unjustly against him" (5: 8).

"The truthful men and the truthful women shall find a rich reward" (33: 35).

"They are beloved and blessed who enjoin truth and patience upon each other" (103: 3); "and they who do not give false witness or those who sit in the company of liars" (25: 72).

PATIENCE

Another virtue which develops out of the natural condition of man is patience. Every one has more or less to suffer misfortunes, diseases and afflictions which are the common lot of humanity. Every one, too, has, after much sorrowing and suffering to make his peace with the

misfortune which befalls him. But such contentment is by no means a noble moral quality. It is a natural consequence of the continuance of affliction that weariness at last brings about conciliation. The first shock brings about depression of spirit, inquietude and wails of woe, but when the excitement of the moment is over, there is necessarily a reaction, for the extreme has been reached. But such disappointment and consequent contentment are both the result of natural inclination. It is only when the loss is received with total resignation to the will of God and in complete resignation to His predestination that the deed deserves to be closed under virtuous moral qualities. The word of God thus deals with that noble quality of patience. *"We shall prove you by afflicting you in some measure with fear, and hunger, and decrease of wealth and loss of lives, and fruits. Those who prove patient under such misfortunes are to be given good tidings of God's reward - to those who, when a misfortune befalls them, say : 'Surely we are God's creatures and his charges, and, therefore, must return to the owner of the charge'"* (2: 155-156).

This is the true expression of a true Muslim. "We are God's creatures and his charges and to Him must the charges return; we come from God and He is our goal, therefore no trial or misfortune can disturb the course of our life, which has a much higher aim than mere comfort".

SYMPATHY

Another quality falling under the same category is sympathetic zeal. People of every nationality and religion are naturally endowed with the feeling of national sympathy, and in their zeal for the interest of their countrymen or co-religionists they do not hesitate to wrong others. Such sympathetic zeal, however, does not proceed out of moral feelings, but it is instinctive passion and is witnessed even in lower animals especially ravens, of which the call of one brings together numerous others or in sheep in which case the rush of one though it be towards a precipice brings the whole flock to follow their example. To be classed as a moral quality, it must be displayed in accordance with the principles of justice and equity and on the proper occasion. It is to express this condition that the word sympathy is to be used. The injunction of the Holy Koran on this point is as follows: -

"Sympathy and co-operation are enjoined upon you towards deeds of goodness and piety, but you must not co-operate towards sinful or transgressive deeds" (5: 2). Again the Holy Word of God teaches every Muslim not *"to be a pleader for the treacherous" (4: 105). "And plead not on behalf of any people who deceive themselves; God does not love anyone who is treacherous and sinful" (4: 107).*

Chapter (18)

TRUE BELIEVERS

THEIR ETHICAL MANNERS AND CHARACTERS IN THE KORAN

The Holy Koran describes the Muslims, i.e. the true believers as follows:

"Believers are they who fear God and fear nothing else" (3: 102).

"They hold together and unite together" (3: 103).

"They are protected from harm since they abide by the instructions of their Lord and Benefactor, the true God, ALLAH" (5: 108).

"Their lives, honor and property are sacred" (5: 92).

"Believers should not disregard those who salute them and wish them peace, even if the saluters are unbelievers" (4: 94).

"They should not sit when God's attributes are ridiculed" (4: 140).

They prefer their co-religionists for true friends *"O ye who believe do not take the unbelievers for guardians(true friends)rather than the believers"* (IIV-144).

Their behavior when giving witness is *"To be upright and bear witness with justice and let no hatred of a people incite them to act inequitably" (5: 8).*

Believers are not to ask inquisitive questions: *"O you who believe! Do not put questions about things which if declared to you may give you trouble; but wait until things are revealed to you by the Koran"*[1] *(5: 101).*

Their duties to God are given in the following verses:

> *"O ye who believe! Be careful of your duty to God, and seek means of nearness to Him and strive hard in his way that you may prosper" (5: 35).*

> *"O you who believe! Turn sincerely to God (from your own passions) so that he will pardon your past evil-doings and will cause you to enter paradise in the hereafter" (66: 8).*

Believers' exalted grades are described as following:

> *"They are true believers whose hearts become full of loyalty when Allah (God) is mentioned; and when his communications are recited to them they increase then in faith, and in their Lord they put wholly their trust; those who keep up prayer and spend benevolently out of what the Almighty God has granted them, these are the true believers surely; they shall have from their Lord exalted grades and forgiveness and honorable sustenance" (8: 2-4).*

The righteous are described as they: "*Who walk on the earth in humbleness, and when the ignorant (i.e. the foolish) address them, they say (nothing but) peace! And they who pass the night (before going to bed) prostrating themselves before their Lord (through love and good hope)...*

"And they who when they spend, are neither extravagant nor parsimonious but always in the moderate and middle way. And

(1) As Islam discouraged rigorous practices such as monastic life, it also prohibited asking questions relating to details on many points, which would make this or that practice obligatory, and such was left to individual will or circumstances of the time or place

they who do not worship or bow down to any but Allah... and they who do not kill any soul, except in the requirement of justice.

"And they who do not commit fornication. And they who do not give false witness, or bear witness to what is false".

"And when they pass by vain scenes they pass by nobly and gentlemanly, i.e. they take no part in such vain sceneries. And they who when reminded of the enjoinments of their Lord, do not fall down deaf and blind. And they who say, 'O Our Lord! Grant us in our wives and our offspring the joy of our eye; and make us guides to those who seek to be righteous'" (25: 63-74).

The above Koranic description of the righteous shows how great was the transformation wrought by the advent of the Holy Prophet, a people having been at the depth of degradation being converted into such righteous servants of the only true God. True believers are also they: -

"Who should be firm against the enemies and not to lose heart but should rely upon God for victory".

"O you who believe! When you meet a party (of the enemies) then be firm and keep remembering God to help you and make you victorious. And obey God and his apostle and do not quarrel between yourselves, for if you do, you will be weak in hearts and your power will depart; so be patient as God supports those who are patient" (8: 45-46).

And also who are not cowards, nor should be weary and fainthearted against their enemies: -

"Be not slack so as to cry for peace when fighting against the enemies, While you have the upper hand, and God is with you, and He will not bring your struggle to naught" (47: 35).

And who should help each other and give asylum to those who adopt exile towards the cause of God:-

"Surely those who believed and fled their homes and struggled hard in Allah's way with their property and their souls,

and those who gave shelter and help - these are guardians of each other" (8: 72).

And who do not ask for exemption from joining the army of the Muslims when war: -

"And who do unite with those who are true in works and deed: hard against the offending enemies - with their property and their persons"[1] *(9: 44).*

"O you who believe! Be careful of your duty to God and be united only with those who are truthful" (9: 119).

Believers are they who study and teach others: -

"Believers are to practice prayer and charity".

And who say what is best: -

"Say O Prophet, to my servants, that they should speak the truth and what is best to be said" (33: 70).

And who should never despair or exult: -

"No evil or anything disliked befalls on the earth nor in your own souls but it is predestined and recorded before God brings it into existence... so that you not despair (of God's mercy) or grieve of what has escaped you, nor should you be exultant at what God has granted you: Allah does not love any arrogant boaster" (57: 22-23).

And who are to make peace and act equitably: -

"If two parties of the believers should quarrel, make peace between them; but if one of them acts wrongfully towards the other, fight that which acts wrongfully until it returns to submit to God's command; then if it returns, make peace between them with justice and act equitably. Surely Allah loves those who act equitably. The believers are but brethren; therefore, make peace

(1) See Chapter on Jihad in Religious Defensive Warfare

between your brethren and adopt righteous conduct so that the Almighty God shower His blessings and mercy upon you"
(49: 9-10).

And who avoid suspicion and spying: -

"O you believers! Avoid most of suspicion, for surely suspicion is a sin, and do not spy, nor let some of you backstab others..." (49: 13).

"And who remember God in humility" (57: 16).

And who are sincere lovers of truth: -

"Those who believe in Allah and the message of his apostles are the lovers of truth and are themselves truthful and faithful..."
(57: 19).

And who do what they say: -

"O ye who believe! It is most hateful in the sight of God that you say what you will not put into action; believers are they who fulfill their promise and not simply talk without confirming by deeds what they say by their lips" (61: 3).

And who are helpers of God's ordinances: -

"O believers! Be ye helpers of God's ordinances"[1] *(61: 14).*

And who put their trust wholly in God: -

"There is no deity but Allah; therefore, let the believers put their trust in God only" (64: 13).

"And who do righteous deeds" (85: 11).

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(1) If we seek God's help, we must first help God's i.e. dedicate ourselves entirely to Him and without reserve by obeying His ordinances and forbidding what He has declared forbidden.



PART V

MUSLIM JURISPRUDENCE AND THEOLOGY



Chapter (19)

KORAN AND JURISPRUDENCE

Islamic theology begins with the Prophet's acceptance to settle down at Medina, which synchronized with an increase in the numbers of Muslims there and elsewhere. The Prophet was the spiritual as well as the temporal head of the community. His orders, revealed from God, were obeyed. Within the short space of ten years from that time, almost all the passages, with which future theology has been concerned, had been revealed. As the Muslims led simple lives and their needs were few, the Islamic Laws were extremely simple. In certain cases the prohibition was introduced gradually. Beginning with a recommendation, it ended in an injunction, as in the case of the use of intoxicants and gambling. The following passages indicate the manner in which the recommendation eventually merges into prohibition: -

First Stage.– Recommendation: "*They ask you (the Prophet) concerning wine and games of chance. Say! In both are great evil and certain advantages to men, but their evil greater than their advantages" (2: 219).*

Second Stage.– A first step to prohibition: "*O you believers! Do not pray when you are intoxicated, so that you may know well what you say" (4: 43).*

Third Stage.– Total prohibition: "*O Believers, intoxicants and games of chance and (scarifying to) idols and divining arrows are abomination and the work of the devil; therefore, shun them" (5: 90).*

As the Koranic passages relating to rituals, ceremonies and laws were brief, they needed further explanation, which was given by the Prophet. In this manner, the Prophet himself was the first commentator of the Koran. His explanations may be divided into two parts:-

1. Reflection on passage occurring in the Koran.
2. Answer to questions, or relation to some particular occasions.

The rise of the Muslim Arabs after the death of the Prophet was rapid. Within a period less than sixty years, they became masters of North Africa, including Spain, Syria, and the whole of Iran; in fact, all central Asia as far as China in the East. A large number of non-Arabs also embraced Islam. They were quite ignorant of the Arabic language and hence were unable to understand Koran, and even when they learnt it, many words, sentences and passages in it were not clear to them. The inhabitants of Mecca and Medina, particularly those who had served under the Prophet and had occasion to learn the Islamic doctrine directly from the Prophet, came to be held as authorities on the subject of the religion. The regular development of theology might thus be said to begin with the subjugation of the countries mentioned above. As in the case of Sufism, the development of theology was gradual. The period of that development may be divided as indicated below: -

1. The life of the Prophet after the prophetic announcement, which lasted from A.D. 608, i.e. about 25 years.
2. The reign of the first four Khalifas, from A.D. 632 to A.D. 661, i.e. about 30 years.
3. Umayyad Khalifas, from A.D 661 to A.D. 750.
4. 'Abbaside Khalifas, from A.D. 750 to A.D. 1258.
5. Non-Arab period, from A.D 1258 to the present time.

The first period is conterminous with the revelation of the Koran itself and the instruction given by the Prophet in person. The second period is rendered noteworthy by the following:

1. The earliest collection of the traditions or sayings of the Prophet.
2. The building-up of the system of Muslim Jurisprudence under the guidance of the first four Khalifas.
3. The arrangement of the Koran into the chapters as we have it now. Of these achievements, the last is perhaps most important.

Chapter (20)

KORAN–FIRST SOURCE OF JURISPRUDENCE

The word "Koran" is derived from the Arabic *kara'a,* i.e. to read, to recite. It is designated *"al-Furqan"* (the distinguisher), *Kalamul-Lah* (the word of God), the *kitab* (the book), *Nur* (the light) and *al-Huda* (the guidance). It has a large number of other names, some mentioned in the Koran itself and others given by Muslims. The Koran is held in the greatest respect by all sects of Islam. It is never touched without ablution performed before hand. It is considered the eternal miracle of Islam, as the expounder of the most sublime truth; as superior to what was laid down by all past religions; as the best guide for seeking God and for obtaining emancipation; the perfection of all moral codes, as the word of God, uncreated in its origin, and existing before being conveyed to the Prophet; as noble and complete in itself. It has been revealed in parts at different times during a period of twenty-three years, as necessity demanded it. Some chapters were revealed in complete form; others in portions. It was divided into thirty parts, containing 114 chapters, known in Arabic as *suras,* some were very long and others very brief. The chapters were arranged under the personal direction of the Prophet, who used to ask the scribe present to insert the revealed passage in a particular chapter and before or after a particular verse of the chapter. It was neither arranged in chronological order nor at random, but as commanded by the Prophet himself.

The work of compilation was first undertaken by order of Abu Bakr,

a copy of the Sacred Book having been left in the custody of Hafsa, the widow of the Prophet and daughter of 'Omar, the second Khalifa. The third Khalifa, Osman, ordered the revision and comparison of the various fragments in the possession of different people with the original copy, and the arrangement of the whole Sacred Book into its chapters under the supervision of the following experts: -

1. Ziad Ibn Thabit, who also was the first compiler.
2. 'Abdullah Ibn Zubair.
3. Sa'id Ibn Al-'As.
4. 'Abdul-Rahman Ibn Haris.

With the exception of the first, the other three belonged to the Koraishite tribe. The work was complete after careful scrutiny and comparison with other fragments and presented to the Khalifa who caused a number of copies of it to be made and sent to the different centers of Islam, and these became texts for all subsequent copies of the Holy Book. The fragments in possession of different people were recovered and burnt. As a number of companions such as 'Abdullah Ibn Mas'ud; Salim; 'Ali (the fourth Khalifa); Mu'az Ibn Jabal; Ubayy Ibn Ka b; 'Abdullah Ibn 'Omar, had committed the whole Koran to memory and a large number had each got by heart a big portion of it, hardly any difficulty was experienced in the matter of securing a correct text or in arranging it as required. The Prophet used to encourage his companions to write and learn the text of the *suras* by heart. The attachment of the Muslim to the Sacred Book is so great that it has retained its purity, without the least change, for the last one thousand and three hundred and seventy six years.(*) Its contents were revealed in the Mecca of the Koraish, and the object of 'Osman was to make people read it in this self-same dialect.

A Muslim believes in the Koran as the word of God uttered in a manner which is unsurpassable in the beauty of its language, and in the declaration of the truth of doctrines inculcated by it. Non-Muslim writers and critics in Europe are unanimous in admitting its high literacy merit. George Sale, whose translation of the Koran is well known, writes: -

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(*) At present, we are in the year 1429 of Hijra.

"So strongly captivating to the minds of his audience that several of his opponents thought it to be the effect of witchcraft and enchantments".

'Omar the second Khalifa, before embracing Islam, was an opponent of the Prophet; and once he left his place with the intention of killing him. On his way he met his own sister, who had embraced Islam, and found her reading some passages from the Koran. He took these passages and read them, and was so much affected by them that he immediately became a Muslim.

In describing the great world Flood (Deluge), the passages in the Koran describing it became extremely figurative and sublime. According to Arab writers on rhetoric, the following few lines taken from these passages contain twenty-three figures of speech in them. These lines cannot, for obvious reasons, retain their original beauty in the translation offered here: -

> *"And the ark moved in with them amid waves like mountain, and Noah called out to his son (when) he was apart. 'O my child! Embark with us, and be not with unbelievers'. He said. 'I will betake myself to a mountain, that shall save me from water'. He (Noah) said none shall be saved this day from God's decree, save him on whom he shall have mercy, and a wave passed between them and he (the son) was drowned and it was said (by God); 'O Earth! Swallow down thy water and O Heaven! Withhold thy rains; and the water abated, and God's decree was fulfilled and the ark rested on al-Judi (a mountain)". (11: 42-44)*

Such is the style of the Koran, most beautiful, fluent, concise, persuasive, possessing great force of expression; in some instance composed for hearing rather than reading; magnificent when describing the majesty and sublimity of God, encouraging to warriors, seekers of the truth and undetermined hearts. It is composed neither in poetry nor in simple prose. The sentences generally end in rhyme; words being well selected and beautifully placed. Each chapter has its own rhymed words, coming at the end of each sentence.

Apart from the beauty of its composition, it contains original ideas,

especially in connection with the unity existence or the singleness of God.

DIVISIONS OF THE KORAN

The Chapters of the Koran are divided into Meccan and Medinite. The Meccan chapters are usually in brief sentences, full of enthusiasm, poetical, lofty and brilliant; denouncing idol worship, promising paradise and threatening with the dire punishment of hell, describing the unity and majesty of God, the day of judgment with allusions to some of the earlier prophets and the events of their time; rich in eloquence, with appreciation of objects in nature; and with most of them beginning with one or a number of oath, very attractive to Arabs as in the following: -

"By the sun and his noonday brightness;
By the moon when she followeth him;
By the day when it revealeth him;
By the night when it enshroudeth him;
By the heaven and Him who built it;
By the earth and Him who spread it;
By a soul and Him who perfected it, and inspired in it (with) what is wrong and what is right for it"[1] *(91: 1-8)*

The Medinite Chapters narrate the same subjects but generally in greater details, the verses being more prosaic and the chapters much

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(1) By the inspiration by God into the soul (with) what is right and what is wrong is meant that the Almighty God has gifted man with the faculty of distinguishing and the power of choosing between right and wrong; in other words, He pointed to man the two conspicuous ways. Commentators explain the verse to mean that God has perfected man by making him understand and know both ways – the wrong and the right.

It is to be noted here that Rodwell and Palmer are wrong in translating the verse as meaning: «and breathed into it (the soul) its wickedness and its pity» (Palmer), for the statement in this form is not only contradicted by the whole of the Koran, but is also self-contradictory and meaningless, because the words would thus imply that when a man left evil and did good, it was God who breathed in him to do so, and when man left good and did evil it was again God who taught him to do so, which is manifestly absurd.

longer. They are chiefly noted for the addition of (1) civil and criminal laws; (2) directions and rituals, such as prayer, fasting, giving alms, making the pilgrimage, etc. ; (3) social reform; (4) moral regulations; (5) brief description of some of the important battles fought with the Koraishites and the Jews; (6) criticism and condemnation of hypocrites who professed Islam but worked against it; (7) exhortation to defend the cause of Islam; and (8) a brief description of past Prophets, and events illustrating the fundamental principles of Islam.

Chapter (21)

THE TRADITION
SECOND SOURCE OF JURISPRUDENCE

The tradition of the Holy Prophet, better known as *sunna* or *hadith* is the second and undoubtedly secondary source, from which the teachings of Islam are drawn. *Sunna,* literally means a way or rule or manner or example of acting, or mode of life; and *hadith,* a saying conveyed to man either through hearing or through revelation.[1] In its original sense, therefore, *sunna* indicates the doings, and *hadith* the sayings of the Holy Prophet, but, in effect, both cover the same ground and are applicable to his actions, practices, and sayings, *hadith* being the narration record of the *sunna* but containing in addition, various prophetical and historical elements.

There are three kinds of *sunna*: (1) it may be a saying of the Holy Prophet which has a hearing on a religious object; (2) it may be an action or practice of his; or (3) it may be his silent approval of the action or practice of some person. We shall now consider to what extent can teachings of Islam, its principles, and its laws, be drawn from this source. The Koran generally deals with the broad principles or essentials of religion, going into details in rare cases.

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(1) Hence the holy Koran is also spoken of as *hadith (18; 39; 23).* The word *sunna* is used in the Holy Koran as a general sense, meaning a way or rule. Thus *Sunnat Al Awwalin* (18; 38; 15; 13; 18; 55; 55; 43) means the way or example of the former generations and is frequently used in the holy Koran as signifying God's way of dealing with people, which is also spoken of as *sunnat-Allah* or God's way of dealing with people.

The details were generally supplied by the Holy Prophet himself, either by showing in his practice how an injunction shall be carried out, or by giving an explanation in works.

The *sunna* or *hadith* of the Holy Prophet was a thing whereof the need had been felt after his death and which was much needed in his lifetime. The two most important institutions of Islam, for instance, are prayer and *zakat (alms-giving)*; yet when injunctions relating to prayer and *zakat* were delivered and they were repeatedly met with both in Mecca and Medina revelations, no details of the service. *"Keep up prayer"* is the Koranic injunction, and it was the Prophet himself who by his own action gave the details of the service. *"Pay the alms"* is again an injunction frequently repeated in the Holy Koran, yet it was the Holy Prophet who gave the rules and regulations for its payment and collection. These are but two examples; but since Islam covered the whole sphere of human activities, hundred of points had to be explained by the Holy Prophet by his example in action and word, while on the moral side, his was the pattern which every Muslim was required to follow.

"Verily in the messenger of God you have a good example to follow" (33: 21). The man, therefore, who embraced Islam, stood in need of both the Holy Koran and the *sunna*.

Chapter (22)

TRANSIMISSION OF HADITH IN PROPHET'S LIFETIME

The transmission of the practices and sayings of the Holy Prophet from one person to another became necessary during the Prophet's lifetime. In fact, when a deputation of a certain tribe came to wait upon him the Holy Prophet himself used to conclude his instruction to them with the words: *"Remember this and report it to those whom you have left behind".*[1] Similar were his instructions in other cases: *"Go back to your people and teach them these things"*[1]. There is another report according to which, on the occasion of a pilgrimage, the Holy Prophet, after enjoining on the Muslims the duty of holding sacred each other's life, property, and honor, added: *"He who is present here should carry this message to him who is absent".*[2] Again there is ample historical evidence that whenever a people embraced Islam, the Holy Prophet used to send to them one or more of his missionaries, who not only taught them the Koran but also explained to them how the injunctions of the Holy Book were to be carried out in practice. It is also in record that people came to the Holy Prophet and demanded teachers who could teach them the Koran and the *sunna,* saying. "Send us men to teach us the Koran and *Sunna*". The companions of the Holy Prophet knew full well that the injunctions and practices were to be followed, should no express direction be met with in the Koran. It is related that when Mu'az Ibn

(1) Bukhari reports on *hadith*
(2) Ibid

Jabal, on being appointed governor of Yemen by the Holy Prophet, was asked how he would judge cases, his reply was, "By the Book of God"; again he was asked, "What he would do if he did not find a direction in the Book of God"; he replied, "By the *Sunna* of the Prophet of God". The *Sunna* was, therefore, recognition in the lifetime of the Prophet as affording guidance in religious matters.

The popular idea in the West that the need for *sunna* was felt and the force of law given, to *hadith*, after the death of the Holy Prophet, is opposed by the facts.(1)

WHY HADITH WAS NOT GENERALLY WRITTEN

It is, however, a fact that the sayings of the Prophet were not generally written, and memory was the chief means of their preservation.

The Holy Prophet sometimes objected to the writing down of *hadith*. But this disapproval clearly shows nothing else but fear lest *hadith* be mixed up with the Holy Koran. There was nothing essentially wrong in writing down *hadith*, nor did the Holy Prophet ever forbid its being done.

Nor was memory an unreliable means for preservation of *hadith*, for the Holy Koran itself was safely preserved in the memory of the disciples of the Prophet in addition to committing it to writing. In fact, had the Koran been simply preserved in writing, it could not have been handed down intact to future generations. The aid of memory was invoked to make the purity of the text of the Koran doubly sure.(2)

The Arab had a wonderfully retentive memory and he had to store up his knowledge of countless things in his memory. Indeed, before Islam,

(1) Muir writes in his introduction to «The Life of Muhammad»: Scarcely was the Prophet buried when his followers resolved to adopt the custom *sunna* of Mohamet, that is his sayings and practices as supplementary of the Koran (page XXIX) «And even a recent writer, Guillaume, writes in the «Tradition of Islam»: While the Prophet was alive he was the sole guide in all matters whether spiritual or secular. *Hadith* or tradition in the technical sense may said to have begun at his death» (p.13)

(2) It was in this safe custody (memory) that the beautiful poetry of the pre-Islamic days been kept alive and intact.

writing was but rarely resorted to, and memory was chiefly relied upon in all important matters. Hundreds and even thousands of verses could be recited from memory by one man, and the reciters would also remember the names of the poets through whom these verses had been transmitted to them. It is recorded of a later renowned transmitter, Asma'i by name, that he learned twelve thousand verses by heart before he reached majority. Another transmitter was reported to have recited verses from a hundred poets in a single sitting. Sha'bi, a famous transmitter proved that he could continue reciting verses which he knew by heart for a month; and these verses were the basis of the Arabic language vocabulary and even of Arabic grammar.

Chapter (23)

THE EARLIEST PRESERVATION OF TRADITION

COLLECTION OF HADITH

(First Stage)

The first step for the preservation of *hadith* was thus taken during the lifetime of the Holy Prophet, but all his followers were not equally interested in the matter, nor had they equal chance of being so. Every one had to work for his living, while on most of them the defense of the Muslim community overwhelming odds had placed an additional burden. There was, however, a party of disciples called *"As-habus-Suffah"* who lived in the Medina Mosque itself, and who were specially equipped for the teaching of religion to the tribes outside Medina. Some of these would go to the market and do a little work to earn their living; others would not care even to do that. Of this little band, the most famous was Abu-Hurraira, the Prophet's faithful attendant, who would remain in the Prophet's company at all costs and store up in his memory everything which the Holy Prophet said or did.

'A'isha, the Prophet's wife, was also one of those who sought to preserve the *Sunna* of the Prophet. She, too, had a marvelous memory, and was, in addition, gifted with a clear understanding. She had narrated over 160 traditions. 'Abdullah Ibn 'Abbas and 'Abdullah Ibn Omar were two other companions who were specially engaged in the work of

preserving and transmitting the *hadith*, as also was 'Abdullah Ibn 'Amr who used to write down the sayings of the Prophet. And in addition to these, every disciple of the Holy Prophet did his utmost to preserve such of his words and deeds as came to his knowledge. 'Omar, the second Khalifa, was reported to have made arrangements with a neighbour of his that they should be in the company of the Holy Prophet on alternate days, so that each might report to the other what happened in his absence. And most important of all, the Holy Prophet had repeatedly laid an obligation on every one of his followers to transmit his words to others: *"Let him who is present deliver to him who is absent"*, was the concluding sentence of all his utterances, all of which afford a clear proof that the work of preservation and transmission of the *"sunna"* had begun during the lifetime of the Holy Prophet.

COLLECTION OF HADITH
(Second Stage)

With the Holy Prophet's death, the work of the collection of *hadith* entered on a second stage. Every case that came up for decision had now to be referred either to the Holy Koran or to some judgment or saying of Holy Prophet which obtained wide reputation. There were numerous cases on record, in which a right was claimed on the basis of a judgment or saying of the Prophet, and evidence was demanded as to the authenticity of the saying.(1) Thus, there was a double process at work; not only the trustworthiness of the particular *hadith* established beyond

(1) A woman came to Abu-Bakr, the Khalifa, claiming her share of inheritance from her deceased grandson. The Khalifa said that he could not find either in the Book of God (the Koran) or the *Sunna* of the Prophet that she was entitled to any share. Thereupon, Al-Mughira Ibn Shu'ba (a companion) got up to say that he had seen the Prophet granting one-sixth share to a grandmother. The Khalifa asked for a second witness and Muhammad Ibn Musallama supported Al-Mughira and accordingly judgment was delivered in favour of the woman. Again Fatima, the Prophet's daughter, claimed that she was entitled to an inheritance of the Holy Prophet. As against this Abu-Bakr cited a saying of the Prophet: «*We Prophets do not leave an inheritance; whatever we leave is a charity*». The truth of this *hadith* was not questioned by any one, and Fatima's claim was, therefore, rejected. Such incidents happened daily and became the occasion of establishing, or otherwise, the truth of many sayings of the Holy Prophet.

all doubt, but the *hadith* also obtained a wide circulation and from being the knowledge of one only, it passed to that of many. The particular judgment might not be on all fours with the circumstances of the case to which it was to be applied, and an analogy might then be sought from one or more sayings. Thus, the multiple needs of a rapidly growing and widely spreading community whose necessities had increased tenfold on account of its onward march to civilization, brought into prominence a large number of *hadith*, knowledge of which had been limited to one or few only, with the seal of confirmation on their truth, because at that time direct evidence of that truth was available.

Yet this was not the only factor that gave an impetus to a dissemination of the knowledge of *hadith*.

The influx into Islam of large numbers of people who had never seen the Holy Prophet himself, but who could behold for themselves the astounding transformation brought about by him, and for whom, therefore, his memory was sacred in the highest degree and formed in itself an important factor in the general eagerness to discover everything which the great reformer had said or done. It was natural that each new convert should be anxious to know all that was to be known about the Great Prophet who had given quite a new life to a dead world. Every one who had seen him would thus be a centre to whom hundreds of enquirers would resort, and since the incidents were fresh in their memories, they would be conveyed with fair accuracy to the generation.

Moreover, it was to the companions of the Holy Prophet that the religion he brought and the teachings he taught were a thing which they valued above anything else the world contained. For its sake they gave up their business, their kinsfolk, nay, their very homes; to defend it, they had laid down their lives. To carry this divine blessing, the greatest gift of God, to other people, had become the supreme object of their lives; hence a dissemination of its knowledge was their first concern. In addition to this, the Holy Prophet had laid on those who were present of his companions or attendants and on those who saw him or listened to his sayings and teachings, the duty of carrying what they saw or heard, to those who were absent. *"Let him who is present carry this to him who is absent"*; was the phrase which on account of its frequency of its

repetition rang continually in their ears. And they were faithful to the great charge laid on them, in whichever direction they went and whichever country they settled. They went eastward and westward and northward carrying with them the Koran and the *sunna.*

Every one of them who had but the knowledge of one incident relating to the Prophet's life deemed it his duty to deliver it to another. And individuals like Abu-Huraira, 'Aisha, 'Abdullah Ibn 'Abbas, 'Abdullah Ibn Omar, 'Abdullah Ibn 'Amr Ibn el-'As, Ibn Malik and many others who had made the preservation of the *sunna* the first object of their lives, had become as it were centers, to whom people resorted to from different quarters of the kingdom of Islam to be given knowledge of *hadith.* Abu-Huraira alone had eight hundred disciples. 'A'isha's house, too, was resorted to by hundreds of ardent students. The reputation of Abdullah Ibn Abbas (cousin of the Prophet), was equally great, and, notwithstanding his youth, he had a foremost place among the counselors of the Khalifa 'Omar, on account of his knowledge of the Koran and the *sunna.*

The zeal of the new generation for the acquisition of religious knowledge was so great that students were wont to travel from one place to another to complete their knowledge of the *sunna,* and some would journey long distances to obtain first-hand information about one *hadith* only.(1)

Thus arrangement existed both for the collection of the knowledge of *hadith* in different centers of learning, and for the spread of it far and wide, through the disciples who gained their knowledge at such centers.

COLLECTION OF HADITH
(Third Stage)

With the passing of the generation that had seen and heard the Holy Prophet directly, the work of collection of *hadith* entered upon a third stage. There were no more reports to be investigated from different

(1) *Vide. «Sonan of Abu Dawud»,* Book 24, Chapter 1.

teachers who taught at different centers. There was no single center at which the whole store of the knowledge of *hadith* could be obtained, for companions of the Prophet had spread so wide. But in the second stage, *hadith* had undoubtedly passed from individual into public possession, and, therefore, in the third stage the whole of *hadith* could be learned by repairing to the different centers instead of enquiring about it from individuals. Moreover, at this stage the writing down of *hadith* became more common. The large number of students of *hadith* at the different centers, having an abundance of materials to digest, to which was also added the further different charge of remembering the names of the transmitters, sought aid from the pen, so that the work might be easier. By this time, writing had become general and writing material abundant. Moreover, there was no fear of the *hadith* being confused with the Koran. It must, however, be remembered at this stage, *hadith* was written merely as an aid to the memory; the mere fact that a written *hadith* was found among the manuscript of a person was no evidence of its authenticity, which could only be established by tracing it to a reliable transmitter. 'Omar Ibn 'Abdul-'Aziz, known as 'Omar II, the Omayyad Khalifa, who ruled towards the close of the first century of Hijra, was the first man who issued definite orders to the effect that written collections of *hadith* should be made. He was reported to have written to Abu-Bakr Ibn Hazm, the Khalifa's governor at Medina: "See whatever saying of the Holy Prophet can be found, and write it down, for I fear the loss of knowledge and the disappearance of the learned men; and do not accept anything but the true *hadith* of the Holy Prophet, and people should make knowledge public and should sit in companions, so that he who does not know should come to know, for knowledge does not disappear until its concealed from the public".(1) The importance of this incident lies in the fact that the Khalifa himself took an interest in the collection of *hadith*.(2) But 'Omar II died after a short reign of two and a half years. After his death, the work of collection of *hadith* in written volumes was taken up independently of government patronage in the next century, and this brings us down to the fourth stage in the history of the collection of the traditions of the Holy Prophet.

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(1) Vide Bukhari, Book 3, Chapter 34.

(2) Vide Muir's «Life of Mohamed», p. XXX, into which he says, «About a collection of all excellent Traditions». *Also vide «Fat-hul-Bari»,* by Al-Hafiz Shahab-ud Din Ahmad, Book I, p. 174, Cairo Press edition.

COLLECTION OF HADITH
(Fourth Stage)

Before the middle of the second century, *hadith* began to assume a more permanent shape, and written collections began to see the light of the day, as such collections had become indispensable. The first known work on the subject is that of *Imam* Ibn Juraij. He lived at Mecca, while other authors who wrote books on *hadith* in the second century were *Imam* Malik Ibn Anas and Sufyan Ibn 'Uwayna at Medina, 'Abdullah Ibn Wahb in Egypt, Ma'mar Ibn 'Abdul-Razzak in Yemen, Sufyan Thawri and Muhammad Ibn Fudali in Kufa, Hammad Ibn Salma and Rauh Ibn 'Ubada at Bisra, Hushaim Ibn Wasit and 'Abdullah Ibn Mubarak in Khurasan (now Afghanistan).

The Book of *Imam* Malik, known as the *Muwatta* Book, is considered the most important of the collections of these authors. However, all these books were yet unexhaustive writings on *hadith,* the object of their compilation were simply the collection of such reports as touched on the daily life of the Muslims. Reports relating to a large number of topics, such as faith, or knowledge, or the life of the Prophet, or wars or comments on the Koran, were outside their scope. Also every author had collected only such reports and traditions as were taught at the center at which he worked. Even the *Muwatta* Book which stood in the first rank contained only the *hadith* which came through the citizens of Hijaz. All these works on *hadith* were, therefore, incomplete, but they were a great advance on oral transmission of the *Sunna.*

COLLECTION OF HADITH
(Fifth Stage)

The great work was brought to completion in the third century of the Hijra. It was then two kinds of collection of *hadith* were made, the *Musnad* and the *Jami'*. The *Musnad* was the earlier and the *Jami'* was the later. By *Musnad* is meant the tracing of any one *hadith* back through various transmitters to the companion of the Prophet on whose authority it rested. The most important of this class is the *Musnad of Imams* of the *Sunni* Muslim School. The collection of the *Musnad hadith*, however,

contains reports of traditions of all sorts. As to the *Jami'*, also known as the *Musannaf*, it literally means a work that gathers together; it arranges reports according to their subject-matter and, moreover, it is of a moral critical tone. It is to the *Jami'*, or the *Musnad* that the honor is due of bringing the knowledge of *hadith* to perfection.

Six books are recognized by the *sunni Muslims* as authoritative works on the traditions of the Prophet. These are the collections of: (1) Muhammad Ibn Ismail, commonly known as Al-Bukhari (died 256 A.H.), (2) Abu-Dawud (died 275 A.H), (3) Tirmizi (died 279 A.H), (4) Ibn Maja (died 283 A.H), and (5) AnNasai (died 303 A.H). The works of the third and the last two are generally by the name of *sonan*, i.e. practices. These books classified reports under various heads of subjects, and thus made *hadith* easy for reference, not only for the judge and the lawyer, but also for the ordinary and the research students.

It may be noted that among the six collections of *hadith* mentioned above, which are known as the six reliable *Hadith Books*, Bukhari holds the first place in several respects, while Muslim's collection comes the second and the two together are known as the *Sahihain* or as the two most reliable *Hadith Books*. Bukhari's collection has the distinction of being the first. Its author is the most critical of all. He did not accept any *hadith* unless all the transmitters were reliable and until there was proof that the later transmitter had actually met the first; the mere fact that the two were contemporaries (which is Muslim's test) did not satisfy him. Moreover, Bukhari heads the more important of his chapters with a text from the Holy Koran and thus shows that *hadith* or tradition of the Prophet is but an explanation of the Koran, and as such secondary of the teachings of Islam.

European criticism of *hadith* has often mixed up *hadith* with the reports met with in the biographies of the Holy Prophet and certain commentaries on the Koran. The fact is that no Muslim scholar has ever attached the same value to the biographical as *hadith* narrated in the above mentioned collections.

There is no doubt that the collectors of *hadith* attached the utmost importance to the trustworthiness of the narrators. Inquiries were made as

to the character of the guarantors, whether they were morally and religiously satisfactory, whether any of them was tainted with heretical doctrines, whether they had a reputation for truthfulness, and had the ability to transmit what they had themselves heard. Finally, it was necessary that they should be competent witnesses whose testimony would be acceptable in court of civil law.(1) But more than this, they tried their best to find out that the report was traceable to the Prophet through the various necessary stages. Even the companions of the Holy Prophet did not accept any *hadith* which was brought to their notice until they were fully satisfied that it came from the Holy Prophet. The collectors went beyond the narrators, and they had rules of criticism which were applied to the subject matter of the *hadith.*

In judging whether a certain *hadith was* spurious or genuine, the collectors not only made a thorough investigation regarding the trustworthiness of the transmitters, but also applied other rules of criticism which were in no way inferior to modern methods. According to these rules, a report of tradition was not accepted under any of the following circumstances:-

1. If the report was opposed to recognized historical fact.

2. If the reporter was a *Shi'a,* and the *hadith* was of the nature of an accusation against the companions of the Prophet, or if the reporter was a *Khariji*(2) and the *hadith* was of the nature of an accusation against the Prophet's family. If, however, the *hadith* was corroborated by independent testimony, it was accepted.

3. If the report was of such nature that to know it and act upon it was incumbent upon all Muslims, whereas it was reported by a single man.

4. If the time and the circumstances of the narration of the *hadith* contained evidence of its forgery.

5. If it was against reason or against the plain teachings of Islam.

(1) Vide "Traditions of Islam", by Alfred Guillaume (Calendron Press, Oxford), 1924.
(2) "Khariji" belongs to an old party of protest against the ascendancy of the Korishites.

6. If the subject-matter or words of a certain tradition were unsound or not in consonance with the Arabic idiom, or the subject-matter was unbecoming the Prophet's dignity, while as a matter of that incident was not reported by any one.

7. If the report mentioned an accident, which, had it happened, would have been known to and reported by large numbers, while as a matter of fact that incident was not reported by any one except the particular reporter.[1]

8. If it contained threatening of heavy punishment for ordinary sins or promised a mighty reward for slight deeds.

9. If the narrator confessed that he was in doubt of what he reported.

10. If the report dealt with the reward of prophets and messengers to doers of good.[2]

(1) "Al-Ugalan-Nafi'a", by 'Abdul-'Aziz.
(2) Similar rules of criticism are laid down by Mulla 'Ali Al-Cari' in his work entitled "Mawdu'at", and by Ibn Al-Gawzi's "Fat-hul-Mughith", as well as by Ibn Hajar in his "Nuzhatul-Absar".

Chapter (24)

THE KORAN AS THE GREATEST TEST FOR JUDGING HADITH

In addition to the above rules of criticism, which left little to be desired, there is another very important test whereby trustworthiness of *hadith* may be judged, and it is the test that the application whereof was commanded by the Holy Prophet himself. "*There will be narrators*", the Prophet is reported to have said, "*Reporting hadith from me, so judge by the Koran; if a report agrees with the Koran accept it, if otherwise, reject it*". There is another saying of the Prophet:-

"*My saying does not abrogate the word of God (the Koran) but the word of God can abrogate my saying*".

As already stated, *hadith* is but an explanation of the Koran; and hence also the Koran must have precedence over the *hadith*.

It is unquestionable that the Koran had been handed down intact every word and every letter of it, while *hadith* could not claim that purity, and it was chiefly the substance of sayings that was reported.

Again the Koran deals with the principles of the Islamic Law while *hadith* deals with details, so that only such details should be accepted as are in accordance with the principles.

The *sunni* Muslim community are agreed on the principle that a *hadith* may be unacceptable either on account of their being some defect

in its transmitters or because its subject-matter is unacceptable. Thus, all trustworthy collectors of traditions of the Holy Prophet are at one that among the most important reasons for which a *hadith* may be rejected is its subject-matter. For instance, if a reported tradition contradicts the Holy Koran or the recognized *sunna* or the unanimous verdict of the Muslim community or ordinary common-sense, it is not accepted.

The following sayings of the Holy Prophet will explain the position, which he intended to assign to the oral law of *hadith* or *sunna*:

> *"That which the Prophet of God hath made unlawful is like that which God Himself hath made unlawful".*
>
> *"I am no more than a man, but when I enjoin anything respecting religion receive it, and when I order anything about the affairs of the world, then I am nothing more than a man".*
>
> *"Verily the best word is the word of God, and the best rule of life is that delivered by His Prophet Muhammad".*
>
> *"I have left you two things, and you will not stray as long as you hold them fast. The one is the Book of God and the other the law (sunna) of His Prophet".*[1]

(1) Vide: «Mishkat», Book I, Chapter VI.

Chapter (25)

THE STYLE OF COMPOSITION EMPLOYED IN THE IMPARTING OF A TRADITION

For the purpose of expressing how a tradition had been communicated from one person to another, certain introductory verbal forms were selected by duly qualified persons. And it was incumbent upon every one about to narrate a tradition, to commence by that particular form appropriated to the said tradition; this was done with a view to securing for each tradition the credit to which it might be justly entitled.

These introductory verbal forms are as follows: (1) حدثنا "He told us"; (2) سمعته يقول "I heard him saying"; (3) قال لنا "He said to us"; (4) ذكر لنا "He related to us"; (5) اخبرنا "He informed us"; (6) قال "From".

The first four introductory forms were to be used only in the case of an original narrator communicating the very words of the tradition to the next below him. The fifth introductory verbal form was used when a narrator inquired of the narrator immediately above him whether such and such a fact, or circumstance, was or was not correct. The last form was not sufficiently explicit, and the consequence was that it could not be decided to which of the two persons the tradition related belonged, so unless other facts be brought to bear upon it, it could not be satisfactorily proved whether there be any other persons, one or more than one, intermediary between two narrators. As to any eternal facts that might prove what was required to be known, the learned scholars gave the following opinions:-

First: If it be known with certainty that the narrator was not notorious for fraudulently omitting names of other parties forming links in the chain of narration, and who also lived at such a time and in such a locality that it was possible, although not proved, that they visited each other, it might be taken for granted that there were no other narrators intermediary between these two.

Secondly: Other learned authorities add that it must be proved that they visited each other at least once in their lifetime.

Thirdly: Others assert that it must be proved that they remained together for such a time as would be sufficient to enable them to learn the tradition, one from the other. The aforesaid restrictions simply tend to show how far the collectors of *hadith* have gone to admit as reliable any tradition of the Holy Prophet.

Chapter (26)

DEGREES OF AUTHENTICITY OF THE NARRATORS

The associates of the Prophet, and those persons who lived immediately after them used to relate, with the exception of the Koran, the sense of the Prophet's words in their own language, unless they had to use some phrase containing prayers, or when they had to point out to others the very words of the Prophet. It is natural to suppose deeply learned persons would themselves understand and deliver to others the sense of the sayings better than persons of inferior grade, and they, therefore, have been divided into seven grades:-

1. Persons highly conspicuous for their learning and legal acquirements, as well as their retentive memory. Such persons are distinguished by the title of *Imams of hadith,* i.e. leaders or grand scholars of tradition.

2. Persons who, as to their knowledge, take rank after the first, and who but very rarely committed mistakes.

3. Persons who as to their knowledge still rank after the first and the second, but respecting whose integrity and honesty there is no doubt.

4. Persons respecting whom nothing is known.

5. Persons who have made alterations in the pure religion of the Prophet and, actuated by prejudice, have carried them to extremes.

6. Persons who are pertinaciously skeptical, and have not a retentive memory.

7. Persons who are notorious for inventing spurious traditions.

Learned divines are of opinion that the traditions related by persons of the first three classes should be accepted as genuine and reliable, according to their respective merits, and, also that traditions related by persons coming under the three last classes should be at once rejected; and the traditions related by persons of the fourth[1] class (*i.e.* "from") should be passed over unnoticed so long as the narrator remained unknown.

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(1) As regard the introduction of «*from*» the following gives an example:-

If A says that he had heard from B and B says he heard from C and leaving several names in the middle, says that X heard from the Prophet.

There are, however, exceptions in a narration of that kind. If the narrator was a known companion of the Prophet, his narration, even if the chain was broken, had been accepted by some theologians.

Chapter (27)

RULES FOR DISTINGUISHING FALSE TRADITIONS

The modes of procedure were adopted by the learned scholars of *hadith* as follows:-

The very words employed in transmitting suspected traditions as well as their style of composition were examined. The contents of each tradition were compared with the commands and injunctions contained in the Koran and with those religious doctrines and dogmas that had been deduced from the Koran, and with those traditions which had been proved to be genuine. The learned scholars investigated the nature of the import of each related *hadith* as to whether it was unreasonable, improbable, or impossible.

It will, therefore, be evident that the *hadith,* considered as genuine by the *sunni* Muslims, must indispensably possess the following characters: "The narrator must have plainly and distinctly mentioned that such a thing (a saying or an action) was either said or done by the Prophet; the chain of narrators from the link up to the Prophet must be unbroken; the subject related must have come under the actual ken of its narrators; all the narrators; from the last up to the Prophet, must have been persons conspicuous for their piety, virtue and honesty; every narrator must have received more than one tradition from the narrator immediately preceding him; every one of them must be conspicuous for his learning so that he might be safely presumed to be competent both to understand correctly,

and faithfully deliver to others, the sense of tradition; the import of the tradition must not be contrary to the injunctions contained in the Koran, or to the religious doctrines deduced from the Holy Book, or the traditions proved to be correct; and the nature of the import of the tradition must not be such as persons of good opinion might hesitate in accepting.

Any tradition thus proved genuine can be made basis of any religion doctrine; but notwithstanding this, another objection might be raised against it, which is that tradition is the statement of one person only, and therefore, cannot, properly, be believed in implicitly. For obviating this, three grades have been again formed of the *hadith* proved as genuine. These three grades are the following: *mutawatir; mash-hur; and khabarul-ahad.*

Mutawatir is an appellation given to those traditions only that have always been, from the time of the Prophet, ever afterwards, recognized and accepted by every associate of the Prophet, and every learned individual, as authentic and genuine, and to which no one has raised any objection. All Muslim learned divines of every period have declared that traditions of the grade of *mutawatir* are implicitly believed and ought to be religiously observed.

Mash-hur is a title given to those traditions which, in every age, have been delivered to be genuine by a number of learned scholars. These are the traditions which are found recorded in the best collections that treat of them, and having been generally accepted as genuine, from the nucleus of certain Muslim doctrines.

Khabarul-ahad (or *hadith* related by one person) is an appellation given to traditions which do not possess most of the qualities belonging to the traditions of the first two grades; in which case they were considered as not authentic.

There are some differences of opinion as to who first attempted to collect the traditions, and to compile them in a book. Some scholars say 'Abdul Malik Ibn Juraij of Mecca, who died in 150 A.H., whilst others assert that the collection, which is still extant by the *Imam* (Divine doctor) Malik Ibn Anas, who died in 179 A.H., was the first collection.

The work of the latter is still held in very great esteem, although it is not generally included in the standard six *Sahih* books, i.e. the "six correct" books received unanimously by *sunni* Muslims. In a previous passage of this work the names of these six books were given; once more they are the collections of:-

1. *Al-Imam* Muhammad Ibn Isma'il Al-Bukhari, 256 A.H.
2. *Al-Imam* Muslim ibn Al-Hajjaj, 261 A.H.
3. *Al-Imam* Abu-Dawud Soliman, 275 A.H.
4. *Al-Imam* Muhammad Ibn Isa Al-Tirmizi 279 A.H.
5. *Al-Imam* Ibn Maja, Abu-'Abdullah Muhammad, 283 A.H.
6. *Al-Imam* An-Nasa'i, Abu-'Abdul-Rahman, 303 A.H.

Besides these, the collections of *Imam* (Divine Dr.) *Al-Shaf'i* (204 A.H), Ibn Idris, Dr. Imam Ahmad Ibn Hanbal (241 A.H.). Dr. *Imam* Malik Ibn Anas (179 A.H.) are also considered authentic by *sunni* Muslims.(1)

(1) *Vide «An Essay on Muhammadan Tradition»,* by the honourable Syed Ahmed Khan of Bahadour.
of. *«Nukhbatul- Fagry»,* by Sheikh Shahab-ed-Din Ahmed.

Chapter (28)

IJMA–THE THIRD FOUNDATION OF ISLAMIC LAWS

IJMA' literally means 'unanimity' of opinion on a certain solution. The *sunni* Muslims style themselves *ahlus-sunna wal-jama',* i.e. the people of tradition and congregation. In Muslim theology, the term *ijma'* expresses the unanimous consent of the learned doctors of theology who are termed *mujtahids* or those who exert themselves to the utmost. A *mujtahid* is a Muslim divine of the highest degree of learning. The *necessary conditions* of a *mujtahid* of the first degree are essentially three: a comprehensive knowledge of the Koran in its different aspects; knowledge of the *Sunna* with the lines of transmissions, text and varieties of significance; knowledge of the different aspects of *qiyas*[1] or analogy. Added to these fundamentals is that a *mujtahid* must be qualified in the science of *osuul,* i.e. the essential principles of the Muslim law, based on the Koran, the tradition, consensus of opinion and analogy.

Hence a *mujtahid* is a Muslim divine of the highest degree of learning. This title is usually given by the Muslim rulers to those distinguished doctors of divinity among the community, such as the grand rector of Al-Azhar University in Egypt and to the Members of the Body of Grand Jurists forming the Legislative Council of the said University and to grand *qadis* (judges); also to grand *muftis* or Muslim counselors in the different Muslim states.

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[1] of. «Kashful-Asrar» , by Abdul-Aziz Al-Bukhari

Ijma', being the exercise of judgment and reason in theological as well as legal matters, plays a very important part in the establishment of the religion of Islam. The value of reason is expressly recognized in the Holy Koran. Although Koran recognizes revelation as a source of knowledge higher than reason, it admits at the same time that the truth of principles established by revelation may be judged by reason, and hence it repeatedly appeals to reason and common sense and denounces those who do not use their reasoning faculties; it is full of exhortations like the following: "Do you not reflect"?[1] "Do you not understand"?[2] "Have you no sense"?[3] "There are signs in this for people who reflect". "There are signs in this for people who understand"[4]. Those who do not use their reasoning faculty are condemned in various verses of the Koran. On the other hand, it praises those who do it[5]. The Koran also recognizes the necessity of the exercise of judgment in order to arrive at a decision: "*And when there comes to them news of security or fear, they spread it abroad ; and if they had referred it to the Apostle and to those in authority (the jurists) among them, those among them who can search out the knowledge of it would have known its true purpose*" [6]. The original Arabic word in the verse for "search out" reads "*yastanbituna*" from "*istinbat*", which signifies the searching out of the hidden meaning by the use of judgment and reason. The verse thus recognizes the principle of the exercise of the judgment, which is the same as *ijtihad* and is also the same as *istikhraj* or deduction by analogy[7]; and though the occasion on which it was revealed was a particular one, the principle recognized is considered by all the jurists and learned scholars as a general principle.

The Holy Prophet allowed the exercise of judgment in religious matters, where there is no express direction in the Holy Koran or the *Sunna*[8].

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(1) Koran 2: 171. (2) 7: 179. (3) 8: 22.
(4) 25: 44. (5) 3: 189,190. (6) 4: 83.
(7) Vide «*Tajul-Arus*», Arabic Lexicon by *Imam* Murtada Hussaini.
(8) When asked by the Prophet how he would judge cases if he did not find directions either in the Book of God or in the *Sunna*, Mu'az who was to be appointed governor of Yemen, replied-to the satisfaction and consent of the Prophet - «I would then exercise my own judgment».

ESTABLISHMENT OF IJTIHAD

The exercise of judgment to meet the new circumstances had begun as already shown in the Prophet's lifetime, since it was impossible to refer every case to him. After the Prophet's death, the principle of ijtihad obtained a wider prevalence, and as new areas of population were added to the material and spiritual realm of Islam, the need of restoring to ijtihad became greater. During the reign of Abu-Bakr, when a case came before him, he used to consult the Book of Allah (the Koran); if he found anything in it by which he could decide, he did so, if he did not find it in the Book, and he knew of a sunna of the Messenger of Allah, he decided according to it; and if he was unable to find anything there, he used to question the Muslims around him if they knew of any decision of the Holy Prophet in a matter of the kind, and every one of them stated what he knew from the Prophet, and Abu-Bakr would say 'praise be to Allah who had kept among us those who remember what the Prophet had said'; but if he was unable to find anything in the sunna of the Prophet, he gathered together the heads of the companions and consulted them, and if they agreed upon one opinion (by a majority) he decided accordingly.(1)

The above illustration represents the principle of *ijma* or consensus of opinion as a source of the Islamic Law.

The same rule was followed by 'Omar, the second Khalifa, who resorted to *ijtihad* very freely, but took care always to gather the most learned companions and consult with them. When there was a difference of opinion, that of the majority was made the basis of decision.

Besides the Khalifas among whom in the foremost was 'Ali, cousin of the Prophet, there were great individual teachers, such as lady *'A'isha* – the Prophet's widow, Ibn 'Abbas, Ibn 'Omar, and other great *mujtahids* of the day, whose opinion was highly revered. Decisions were given according to their own judgment and laws promulgated subject only to the one condition that were neither contrary to the Holy Koran nor to the *sunna* of the Prophet. And decisions of those earlier jurists were followed by the later jurists.

(1) Vide «*Tarhul-Khulafa*» (History of the Khalifas), by Imam Jalalud-Din Al-Sayuti, Chapter relating to Abu-Bakr (*see* his knowledge).

THE FOUR GREAT DIVINE DOCTORS

In the second century of Hijra arose the great four doctors of jurisprudence who codified the Islamic Law according to the needs of their time.

Imam Abu-Hanifa

The first of these doctors was Dr. *Imam* Abu-Hanifa Al Nu'man ibn Thabit, born at Basra (80 A.H.) (A.D. 699) – died A.D. 767 – His centre of activity was at Kufa. The basis of his analogical reasoning, known by *qiyas* (analogy) was the Holy Koran, and he accepted *hadith* only when he was fully satisfied as to its authenticity. The great collectors of hadith had not yet commenced their work of collection, and Kufa itself was not a great centre of the branch of learning. It was *Imam* Abu-Hanifa who first directed attention to the great value of *qiyas* or analogical reasoning in legislation which was held by Muslims to be the fourth foundation of the Islamic jurisprudence after the source of *ijma'*. The principle of *qiyas* will be dealt with later. *Imam* Abu-Hanifa had two renowned disciples, Dr. *Imam* Muhammad and Dr. *Imam* Abu-Yusuf, and it is mostly their views of the great master's teaching that now form the basis of the Hanafi School system.

Imam Malik

Next comes Dr. Imam Malik ibn Anas, the second great Divine. He was born in the Medina at the year 93 A.H. (A.D. 713), and worked and died there at the age of 82. He limited himself almost entirely to the hadith which he found and collected at Medina, relating most especially to the practices which prevailed there, and his system of jurisprudence is based entirely on the traditions and practices of the people of the Medina. His book, known as *Muwatta,* is the first collection of *hadith* and one of the most authoritative books of tradition and *sunna.*

Imam Shaf'i

The third Divine Dr. *Imam* Muhammad ibn Idris Al-Shaf'i was born in Palestine in the year 150 A.H. (A.D. 767). He passed his youth at

Mecca but he worked for the most part in Egypt, where he died in 204 A.H. In his day, he was unrivalled for his knowledge of the Holy Koran, and took immense pains in studying the *sunna,* traveling from one place to another in search of information. His school was based on *sunna.* Over the Malik system, which is also based on *sunna*, the Shaf'i system has the advantage that the *hadith* made use of by *Imam* Shaf'i was more extensive, and was collected from different centres, while *Imam* Malik contented himself only with what he found in Medina.

Imam Ahmad Ibn Hanbal

The last of the four great *Imams* was Dr. Ahmad Ibn Hanbal who was born at Baghdad in the year 164 A.H. and died there in 214 A.H. He too made a very extensive study of *hadith*. His famous work on the subject is known as *Musnad* of Ahmad Ibn Hanbal, containing thousands of *hadiths*. This monumental compilation is based on the materials collected by the *Imam* himself. His collection of *hadith* is not arranged according to subject-matter but under the name of the companion to whom a *hadith* is ultimately traced.

While system of Abu-Hanifa applied reasoning very freely and sought to deduce all questions from the Holy Koran by the help of reason, the system of Ibn Hanbal is distinguished by the fact that it makes reserved use of reason and judgment.

DIFFERENT METHODS FORMING NEW LAWS

The four *Imams above* mentioned, who are accepted by the entire *sunni* world of Islam, are thus agreed in giving to *ijtihad* a very important place in legislation. *Ijma'* and *ijtihad* are thus looked upon as two more sources of Islamic Laws along with the Holy Koran and the *sunna* of the Prophet, though the latter two are regarded as (*al-adillal-qat'iya* or absolute arguments or authorities) the former two sources being called (*al-adillal-ijtihadiya* or arguments arrived at by exertion).

The sphere of *ijtihad* is a very wide one, since it seeks to fulfill all the requirements of the Muslim community which are not met with expressly

in the Holy Koran and the *hadith*. The great *mujtahids* of Islam have endeavoured to meet these demands by various methods, technically known as (*qiyas* or analogical reasoning), (*istihsan,* i.e. equity), (*istislah*, i.e. public good), and (*istidlal*, i.e. inference).

Chapter (29)

DEGREES OF IJTIHAD

There are three degrees of ithad. They are: *ijtihad fish-Shar'*, *ijtihad fil-Mazhab,* and *ijtihad fil-massa-il* or exercise of judgment in legislation, in a juristic system and in particular cases, respectively.

The first kind of *ijtihad* or exercise of judgment in the making of new infallible laws is recognized by the *sunna* Muslims to have been limited to the first three centuries and, particularly, it centers in the four great revered *Imams*. They have confined all laws and included in their systems whatever was reported from the companions and the *tabi'in*, i.e. the generation next to that of the companions. It is the general opinion that the conditions[1] necessary for a *mujtahid* of the first degree have not been met with in any person after the first four grand *Imams*. It is further supposed for obvious reasons that they will not meet with in any person in the later generation[2].

The second degree of *ijtihad* belongs to such earlier *mujtahids* as *Imam* Dr. Abu-Yusuf and *Imam* Dr. Muhammad, the two famous disciples of the head *Imam* Dr. Abu-Hanifa whose unanimous opinion on any point of jurisprudence must be accepted by the scholars and followers of the Hanafi system, even if it goes against that of their master.

The third degree of *ijtihad* was and is still attainable by later

(1) For these conditions, vide pp. 209-210 of this work (*author*).
(2) «*Kashful-Asrar*» by 'Abdul-Aziz Al-Bukhari, Vol. 3.

acknowledged *mujtahids* and local jurists who could solve questions or special cases that come before them, which had not been decided by the *mujtahids* of the first two degrees, but such solutions of new cases must be in absolute accordance with the opinions of greater *mujtahids*. In fact, *ijtihad* is a great blessing of which the Muslim religion can ever boast; it is the only way through which the needs of the succeeding generations and the requirements of the different races merging into one could be met. To fulfill these needs and requirements, the *mujtahids* have laid down the foregoing methods, technically known as *qiyas* (analogical reasoning); *istihsan* (equity); *istislah* (public good); and *istidlal* (inference).

A brief description of these methods may be given to show how new secondary laws are evolved by adopting them:-

'QIYAS' OR ANALOGY

The most important of these methods and the one which has almost a universal sanction, is *qiyas* which literally means *measuring by* or *comparing with*, or judging by *comparing with a thing*, while the jurists apply it to "a process of deduction by which the law of a text is applied to cases which, though not covered with the language, are governed by the reason of the text[1]. Briefly it may be described as reasoning based on analogy. A case might come up for decision, which is not expressly provided for in either the Holy Koran or in the *hadith*. The jurist looks for a case resembling it in the Holy Koran or in the *hadith*, and by reasoning on the basis of analogy, arrives at a decision. Thus, it is an extension of the law as met with in the Holy Koran and *hadith*, but it is not equal authority with them, for no jurist has ever claimed infallibility for decisions based on analogical deductions. It is a recognized principle of *ijtihad* that the *mujtahid* may err in his judgment. Hence it is that as many differences of juristic deductions exist even among the highest authorities. From its very nature the *qiyas* of one generation may be rejected by a following generation. However, *ijma'* is in all cases binding on the community.

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(1) «*Al Maqalatul-Istamiya*», by Isma'il Al-Ashri.

ISTIHSAN OR EQUITY

Istihsan which literally means considering a thing to be equitable is in the technology of the jurists the exercise of private judgment, not on the basis of analogy, but on that of public good or in the interests of justice. According to the Hanafi system, when a deduction based on analogy is not acceptable, either because it is against broad rules of justice, or because it is not in the interest of public good, and is likely to cause undue inconvenience to those to whom it is applied, the jurist is at liberty to adopt, instead, a rule which is to be in consonance with the broader rules of justice.

This method of *istihsan* is rather peculiar to the Hanafi system.

ISTISLAH OR PUBLIC GOOD

This method which is a similar rule to that of *istihsan,* is adopted by Dr. *Imam* Malik School at large, and means *a deduction of the law based on consideration of public good.*

ISTIDLAL OR INFERENCE

Istidlal has two chief sources recognized for inference. There are customs and usage which prevailed in Arabia at the advent of Islam; they have the force of law. On the same principle, customs and usages prevailing anywhere, when not opposed to the spirit of the Koranic teachings or not expressly forbidden by the *sunna*, would be admissible, because according to a well-known maxim of the jurists, "permissibility is the original principle", and, therefore, what has not been declared unlawful is permissible. In fact, as a custom is recognized by a vast majority of the people, it is looked upon as having the force of *ijma'* and hence; it has precedence over a rule of law derived from analogy. The only condition required is that it must not be opposed to a clear text of the Koran or a reliable *hadith*.

The Hanafi School lays special stress on the value of customs, so much so that it is taken as a principle of law.[1]

As regards laws revealed to the people of the Book (Jews and Christians) previous to Islam, they also have the force of law even now, so long as they have not been expressly abrogated by the Koran or the *sunna*.

It is to be noted that differences of opinion between acknowledged jurists were never ignored by the Islamic Law, nay it is encouraged and praised since such differences are naught but the ripe fruit of the use of the reasoning faculty, so long as the opposed opinion expressed on a certain secondary point is not contradicted by the Koran, the Book of God or the practice and teaching of the Holy Prophet.

On this principle, the Messenger of God is quoted to have said that when a *qadi* (qualified judge or jurist) gives a judgment and he exercises his reasoning faculty and is right, he has a double reward, and when he gives a judgment and exercises his reasoning faculty and makes an innocent mistake, there is still a reward for him[2].

Again the Holy Prophet is reported to have said: "*The differences of my people are a mercy*"[3]. Differences of opinion are called a mercy, *i.e.* a blessing, because it is only through encouraging differences of opinion that the reasoning faculty is developed, and the truth ultimately discovered. There were certain differences of opinion among the companions of the Holy Prophet, and there were also matters on which a single companion used to express boldly his dissent from all the rest. For example, Abu-Zarr was alone in holding that to have accumulated wealth in one's possession was a sin. His opinion was that no one should amass wealth unless he had distributed the most of it to the needy. All the other companions were opposed to the view; and though the authority of *ijma'* was quoted against him, no one did dare say that Abu-Zarr had committed a sin for expressing an opinion in difference with the whole body of companions[4].

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(1) «*Al Ashbah wan-Nazair*», A Standard Book of the Hanafi Theology.
(2) Vide «*Mishkatul-Masabih*», by Walyid-Din Muhammad Ibn Abdulla.
(3) Vide «*Jami- ᵓs-Saghir*», by *Imam* Al-Hafiz Jalalud-Din Al-Sayuti, Cairo edition.
(4) «*Kitabul-Tabaqat-el-Kobra*», by Muhammad Ibn Sad.

Thus the Holy Koran is the fountain head of the Islamic Law, supported and explained by traditions of the Prophet, agreement, analogy and preferences, as to which all Muslim schools are unanimous.

Thus differences only arise in regard to the selection of a particular tradition or to preference given to a certain tradition over any other, or to the interpretation attached to certain parts of the text in the Koranic passages[1].

WAYS OF INFERRING IJMA'

Before concluding this chapter on the subject of *ijma'*, it is necessary to point out the ways by which *ijma'* and its subsequent enjoinment upon the *sunni* Muslims are inferred.

As already started in the foregoing, the *sunni* Muslim theologians and jurists are unanimous in considering the agreement of the *mujtahids* a source of jurisprudence and one of the foundations of Islamic Law.

The expression and terminology of the general agreement of *mujtahids* is supposed to imply the collection of the opinion of all living *mujtahids* at any certain age. But this is not the case. In fact, the said agreement is inferred in three ways: first by *qawl* (word), *i.e.* when the *mujtahids* express an opinion on the point in question; secondly by *fi'l* (deed), *i.e.* when there is unanimity in practice; thirdly by *sokut* (silence), *i.e.* when the *mujtahids* of a certain age do not oppose an opinion expressed by one or more of them; as for the example when the rector of Al-Azhar or any other acknowledged *mujtahid* expresses an opinion on a point of law, and his (or their) opinion was not expressly opposed by some *mujtahids*, but was received by unanimous silence on their part.

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(1) References: «*Fat-hul-Bayan fi Magasidul-Koran*», Ibn Ali-Bukhari; «*Fatawal-Mughiri*»; «*Al-Hidaya*», by Ali Ibn Bakr Al-Marghani: «*Fiqhul-Akbar*», by Master *Imam* Abu-Hanifa; «*Commentary of Bahrul-Muhit*», by Muhammad Ibn Yusuf.



PART *VI*

JIHAD

Chapter (30)

THE RELIGIOUS DEFENSIVE WARFARE

It is a sacred religious duty incumbent on the Muslim nation at large to set forth defensive war against unbelievers to repel their persecution upon the believers or aggression upon Muslim territories.

This divine duty of religious war is laid down in several verses of the Holy Koran as well as in the tradition of the Prophet.

The following are translated quotations from the Koran bearing on the subject of the religious war:-

In chapter 4, verses 75-76, we have the following injunctions:-

> *"Muslims are to fight in defense of the cause of their Lord and to redeem their weak Muslim brethren and sisters and children who are oppressed, who cry for help from Allah to save them from such oppression and to send them some champion to redeem them. Muslims are to fight to defend the cause of Allah, while the unbelievers do fight to defend the cause of the devil; surely the struggle of the devil is weak".*

These verses explain what is meant by fighting for Allah. While most of the believers who had the means had escaped from Mecca, there remained those who were weak and unable to emigrate. These were still persecuted and oppressed by the Meccan idolaters. The verses imply a

prophecy that those who are fighting for the devil shall be ultimately vanquished.

In chapter 2, verse 214, the Muslims who immigrated to Medina are addressed by the Koran as follows:-

"Do you think that you would enter Paradise, while yet the critical state of those who have passed away before you had not come upon you: Distress and affliction had befallen them and they were shaken violently, so that the Apostle of God and those who believed with him said : "When would the help of Allah come to us"? Now surely the help of Allah is well nigh."

This verse clearly inculcates faith and perseverance under the hardest trials and is an indication of the Prophet's own unequalled endurance and faith. It refers not only to the great trials and hardships which were yet in store for them, and which they could clearly see in the masses of all forces that could be used to annihilate them.

In chapter II, verse 216, we have the following injunctions:-

"Fighting is enjoined on the Muslims, though fighting is an object of dislike to them; and it may be that they may dislike something while it is good for them; and it may be that they may like something while it is evil for them. Now let it be known that Allah knows best what is good and what is evil while people know not."

This verse shows that Muslims did not fight for the booty. They were too weak to carry out the struggle the mighty forces of the idolaters that were bent upon their destruction, and also they disliked war. Foreign critics of the history of the advent of Islam are quite mistaken to pretend that the Prophet had now (at Medina) to resort to the sword to accomplish what his preaching at Mecca had failed to do.[1]

It is to be borne in mind that not a single instance is recorded in the whole of the Prophet's history showing the conversion of an unbeliever under the pressure of the sword, not a single instance is recorded of an

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(1) *Vide Wherry's Commentary.*

expedition being undertaken to convert a people. If ever in the world's history a people were compelled to fight in defense of a grand cause, no nobler instance of it could be given than that of the Prophet Muhammad with his few faithful followers braving the whole of Arabia in the midst of enemies, who had taken the sword to annihilate them for no other reason than that they were holders of the cause of the Unity of God. The injunction upon Muslims to fight is but an injunction to fight to end persecution and to establish religious freedom and to save the houses of worship of every true religion from being ruined. This noble object is made quite clear by verse 40 of chapter 22, of which the following is a rendering:-

> *"Those who have been expelled from their homes without a just cause except that they say: 'Our Lord is Allah". Certainly there would have been destroyed cloisters and churches and synagogues and mosques where Allah's name is much remembered should God had not enjoined upon the believers defensive war against the persecution of aggressive people; and surely will Allah grant victory to those who defend His cause. Most, surely God is Mighty and Powerful".*

This verse ought to remind those foreign malignant critics who charge Islam of being a religion of fanaticism that the religious freedom which was established by Islam in a country like idolatrous Arabia over thirteen hundred years ago has not yet been surpassed by the most civilized and tolerant of nations. It is noticeable that the lives of believers are to be sacrificed not to stop their own persecution by their opponents and to save their own mosques, but to save the churches, synagogues and cloisters as well; in fact, to establish religious freedom against any persecution or oppression by infidels and idolaters. No other religion teacher had taught that noble principle. Muslims closely followed these directions, and every commander of any army had express orders to respect all houses where God was worshipped and even the cloisters of monks, along with their inmates.

In chapter 9, verse 29, we read the following interpreted injunction:-

> *"fight those who believe not in God, nor in the day of judgment, nor do they prohibit what God and His Apostle have*

prohibited nor acknowledge the religion of Truth, among those who were given the Scriptures (Jews and Christians) until they pay the jizia with willing submission and feel themselves subdued".

"Jizia" in Arabic stands for a poll-tax levied from those who were vanquished by the Muslim defensive forces and yet did not accept to embrace Islam, but were willing to live under the protection of the Muslims, and were thus tacitly willing to submit to the rulings of the Muslim state, saving only their personal liberty of conscience as regarding themselves. There was no account fixed for the *jizia*, and in any case it was merely a symbol, an acknowledgment that those whose religion was tolerated would in their turn not interfere with the preaching and progress of Islam.

Dr. Imam Shaf'i suggests one *dinar* a year for the poll-tax, about half a sovereign. The tax, however, varied in amount and there were exemptions for the poor, for females and children and for slaves, if any, and for monks and hermits. The *jizia*, being a tax on able-bodied males of military age, it was in sense a computation for military service. It was partly symbolic and partly a commutation for military service, but as the amount was insignificant and the exemptions numerous, its symbolic character predominated.

As to the directions given to Muslims to fight the followers of the scriptures, the subject requires some explanation.

The last word on wars with idolaters of Arabia having been said, the verse under consideration introduces the subject of fighting with the followers of the Book. Though the Jews had for a long time assisted with the idolaters in their struggle to uproot Islam, the great Christian power of the Roman Empire had only just mobilized its forces for the subjection of the new religion, and the Tabouk expedition followed, which constitutes the subject-matter of a large portion of what follows in this Chapter 9 of the Koran. The object of this Christian mobilization was simply the subjection of the Muslims. The Koran neither required the idolaters to be forced to accept Islam, nor did it require the Muslims to compel the Christians to embrace the new religion. They, on the other

hand, had determined to compel the Muslims to give up Islam and to bring them under subjection. Therefore, the orders given to the Muslims to fight the people of the Scriptures as mentioned in the above verse was merely given with a view to save the religion from the threatening oppression of the Christian forces and to repel the latter. The followers of the Scriptures are described in the verse as not believing in God and the day of resurrection as long as they do not follow the religion of Truth, because they do not attribute to Allah the perfect attribute of His Unity by ascribing to Him a son, and do not understand the real nature of life after death when every soul will be punished for any evil deed committed in this world. It may also be added that the permission or order to fight, as given the Muslims, is subject always to the condition that the enemy should first take up the sword, *"Fight for the cause of God with those who fight with you"* (2: 190); the Holy Prophet never overstepped this limit. He fought against the Arabs when they took up the sword to destroy the Muslims and he led an expedition against the Christians when the Roman Empire had first mobilized its forces with the object of subjugating the Muslims. And so scrupulous was he that when he found that the enemy had not yet taken the initiative but desisted, he did not attack the Roman forces, but returned with his expedition without fighting.

The following verse throws further light on the conviction that the Islamic Institution of religious wars is exclusively defensive, with the object of repelling any aggression, persecution and encroachment carried by the parties of unbelievers. Thus verse 39 – chapter 8 instructs the Muslims as follows:-

> *"And fight with them until there is no more persecution and the religion of Allah shall have been solely established. But if they - the persecutors - desist from fighting the Muslims you must also desist, for God rewards men according to their deeds, for He rewards and knows all that is being done".*

Now we have to quote a few traditions of the Holy Prophet on the subject of *jihad* on which a whole chapter is dedicated in authentic books of *hadith*, especially those collections of the Divine *Imams* Al- Bukhari and Muslims.

The Holy Prophet is recorded to have said:-

"God is sponsor for him who goes forth to fight in defense of the cause of God. If he killed, he shall return home with honors and rewards and booty, but if he be killed in the battle he shall be taken to Paradise".

"I swear by God I should like to be killed in battle in defence of the cause of God and be again brought to life; then be killed and brought to life again, then be killed again and brought to life, so that I may obtain new rewards from God every time".

"He who assists another with arms to fight in defence of the cause of God is as a champion and is a sharer of God's rewards. And he who stays behind (being physically or otherwise to take active part in battle) to take charge of the family of the warrior is even as a champion in war".

"This religion (of Islam) will ever be established, to the day of resurrection, as long as Muslims do fight in defence of it".

"Being killed in defence of the cause of God covers all sins excepting the sin of debt if deliberately not refunded".

"He who dies and has not even said in his heart: "Would to God I were a champion that could die while defending the cause of God's is even as a hypocrite" (i.e. *not an earnest believer*).

"Guarding the frontiers of Islam for even one day is exceedingly meritorious with God".

"The hell fire shall not touch the legs of him who shall be covered with the dust of battle-field while fighting for the cause of God's".[1]

"Religious war is permanently established until the day of judgment (meaning the ordinance respecting Jihad)".[2]

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(1) «*Hidaya*» Book of Tradition, Chapter on «*Jihad*».
(2) Vide «*Authentic Collections of Traditions*», by Divine *Imams* Al-Bukhari, Muslim, etc., in Chapter on Jihad.

OBSERVANCE OF JIHAD

The sacred injunction concerning religious war "*jihad*" is sufficiently observed when it is carried on by any one party or tribe of Muslims, and it is then no longer of any force with respect to the rest. The observance in the degree above mentioned suffices, because war is not a positive injunction, as it is in its nature murderous and destructive, and is enjoined only for the purpose of repelling aggression or persecution started by non-believers against the due advancement of Islam or for crushing its message; and when this end of defending the cause is answered by any single tribe or party of Muslims making war, the obligation is no longer binding upon the rest, in the same manner as the prayers for the dead, when answered by Muslims, they are no longer binding on the rest. If, however, no Muslims were to make war in defence of actual oppression against the cause of God, the whole of the Muslim community would incur the criminality of neglecting it.

Chapter (31)

MISCONCEPTION OF THE DUTY OF JIHAD

A very great misconception prevails in the West with regard to the Islamic injunction of *jihad.*

In statement by Dr. A.B. Macdonald in the "Encyclopedia of Islam" on the article of *jihad*, we find that the writer goes even as far as to begin his article thus:-

"The spread of Islam by arms is religious duty upon Muslims in general;" as if *jihad* meant not only war but was undertaken for the propagation of Islam. Another eminent Christian writer makes a similar statement "*Jihad*" – he writes "means the fighting against unbelievers with the object of either winning them over to Islam, or subduing and exterminating them in case they refuse to become Muslims; and the causing of Islam to spread and triumph over all religions is considered a sacred duty of the Muslim nation".[1]

It is really a great pity that such learned scholars had not taken the trouble to consult an ordinary dictionary of the Arabic language so that they could have avoided such glaring misrepresentation. "*Jihad*" in Arabic means the exerting of one's utmost power in repelling an enemy. It is of three kinds, *viz.* the carrying on of struggle: (1) against a visible enemy, (2) against the temptation of the devil, (3) against one's own passions.

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(1) Dr. Klein's article on Jihad in the «Review of the Religion of Islam».

In language, *"jihad"* is far from being synonymous with war, while the meaning of war undertaken for the propagation of Islam which is supposed by Western writers to be the significance of *jihad,* is unknown equally to the Arabic language and to the teachings of the Holy Koran.

There is a prevalent conception that "at Mecca the Holy Koran enjoined patience, but when at Medina (when the Muslims became somewhat in power) *jihad* was enjoined upon them", as if patience and *jihad* were two contradictory attitudes. The error of this view is clearly shown by the verse 110 chapter 16 which was revealed at Mecca; it enjoins patience and *jihad* in the same breath: *"But verily thy Lord,- to those who leave their homes after trials and persecutions,- and who thereafter strive and fight for the faith and patiently persevere,- Thy Lord, after all this is oft-forgiving, Most Merciful".* It should be noted that *jihad* spoken of here is certainly not in connection with fighting, for the verse was revealed at Mecca, when the believers began to immigrate to Medina, so that they may not again be affected by the Meccan idolaters.

ISLAM WAS NOT SPREAD BY FORCE

The propagation of Islam is no doubt a religious duty incumbent upon every true Muslim who must follow the example of the Holy Prophet, but the spread of Islam by force is a thing by which no trace can be found either in the Holy Koran or in the traditions of the Holy Prophet. *Islam is against aggression,* sanction is given for war only in self-defence. *"Fight in defence of the cause of God against those who attack you but begin ye no hostilities. Verily God loveth not the aggressors.(2: 190) And if they (the enemies of Islam) incline towards peace, incline thou (the Prophet) also to peace, and have trust in God" (8: 61).*

There is not the least ground for the oft-repeated allegation that Islam is intolerant and was propagated by the sword. The Koran states clearly: *"There is no compulsion in religion",* and the reason is added: *"the right course is clearly distinct from the wrong one", (2: 256).* It was only when the Muslims' liberty and particularly their freedom of worship was threatened and actually attacked that Islam seized the sword in self-defence as it will ever do. But Islam never interfered with the dogmas of

any moral faith. It never invented the rack or the stake for shifting difference of opinion, or strangling human conscience, or exterminating heresy.

FEARFUL WARS OF THE CHRISTAIN CLOVIS

It has been alleged that a warlike spirit was infused into medieval Christianity by Islam. The massacres of Justinian, the Byzantine Emperor (527-562) and the fearful wars of the Christian Clovis (466-511) in the name of religion occurred long before the time of the Holy Prophet Muhammad. The conduct of the Christian Crusaders when they captured Jerusalem provided a striking contrast to the behavior of the Muslims when they occupied the city 600 years earlier.

When the Khalifa 'Omar took Jerusalem (A.D. 637), he rode into the city by the side of Patriarch Sophronius, conversing with him on its antiquities. At the hour of prayer, he declined to perform his devotions in the Church of Resurrection, in which he chanced to be, but prayed on the steps of the Church of Constantine; "for", said he to the Patriarch, "had I done so (i.e. had he performed his prayers inside the Church), the Mohammedans in a future age might have infringed the treaty under color of imitating my example". But in the capture by the Christian Crusaders, the brains of young children were dashed out against the walls; infants were pitched over the battlements; men were roasted at fires; some were ripped up to see if they had swallowed gold; the Jews were driven into their synagogue and there burnt; a massacre of nearly 70,000 persons took place, and the Pope's legates were seen partaking in the triumph![1]

When the Roman Emperor embraced Christianity, the population of the whole Roman Empire, including Egypt, was by decree forced to renounce all other religions and adopt Christianity; but it wasn't until after five hundred years of Muslim rule in Egypt that, as the result of peaceful conversion, the Muslims formed only 50 percent of the total population, including the Arab departing hosts.

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(1) Draper's « *History of the Intellectual Development of Europe* », Vol II.

Chapter (32)

PAYMENT OF TRIBUTE CALLED "JIZIA"

Foreign writers of Islam have generally assumed that while the Koran offered one of the alternatives, Islam or death, to other non-Muslims, the Jews and Christians were given a somewhat better position since they could save their lives by payment of a tax known as *jizia.* This conception of *jizia,* as a kind of religious tax of which the payment entitled certain non-Muslims to security of life under the Muslim rule, is as entirely opposed to the fundamental teachings of Islam, as is the myth that the Muslims were required to carry on aggressive wars against non-Muslims till they had accepted Islam. Tributes and taxes were levied before Islam, and had been levied to this day by Muslim and non-Muslim states, yet they had nothing to do with the religion of the people affected. The Muslim state was as much in need of finance to maintain itself as any other state in the world, and it resorted to exactly the same methods as those employed by other states. All that happened in the days of the Holy Prophet was that certain small non-Muslim states were, when subjugated, given the right to administer their own affairs, but only if they would pay a small sum by way of tribute towards the maintenance of the central government at Medina. It was an act of great magnanimity of the Holy Prophet to confer complete autonomy on a people who raised war against the Muslims but were ultimately conquered by them, and a paltry sum of tribute *(jizia)* in such conditions was not a hardship but a boon. There was no interference at all with their administration, their own taxes, their customs and usages, or their religion; and, for the tribute paid, the Muslim state undertook the responsibility of protecting these small states against all enemies.

There are cases on record in which the Muslim state returned the *jizia*, when it was unable to afford protection to the people under its care. Thus, when the Muslim forces under the Muslim commander Abu-'Ubaida were engaged in a struggle with the Roman Empire at Syria, they were compelled to bear a reatreat at Homs, which they had previously conquered. When the decision was taken to evacuate Homs, Abu-'Ubaida sent to the chiefs of the place, and returned to them the amount which he had realized as *jizia,* saying that as the Muslims could no longer protect them, they were not entitled to the payment of *jizia.*[1]

It further appears that exemption from military service was granted only to such non-Muslims as they wanted it, for where a non-Muslim people offered to fight the battle of the country they were exempted from *jizia.* The Bani-Taghlib and the people of Najran, both Christians, did not pay the *jizia*[2]. Indeed, Bani-Taghlib fought alongside with the Muslim forces in the battle of Buwaib in 13A.H. Later on, in the year 16 A.H., they wrote to the Khalifa 'Omar offering to pay the *zakat* (the legal alms) which was a heavier burden, instead of the *jizia.* "The liberality of 'Omar", writes Sir Muir in his '*Caliphate*', "allowed the concession, and the Bani-Taghlib enjoyed the singular privilege of being assessed as Christians as a double title instead of paying the obnoxious badge of subjugation".[3]

From the foregoing, it is quite clear the *jizia* was levied not as a penalty for refusal to accept the faith of Islam, but it was paid in return for protection given to non-Muslims by the Muslim army, to which they were not compulsorily conscripted like the Muslims. This tribute was levied only on able-bodied men and not on women or children, the aged and the indigent, the blind and the maimed were specially exempted as were the priests and the monks.

ISLAM, JIZIA OR THE SWORD

It is generally thought that the Muslims were out to impose their

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(1) *Al Sira Al-Halabiya,* a standard book on «The Life of the *Holy Prophet»;* Ibn Hisham, Al-Tabari.

(2) Vide Encyclopedia of Islam.

(3) Muir's «*Caliphate*», p. 142 «*The Preaching of Islam*», by Sir Thomas Arnold, p.60

religion at the point of the sword, and that the Muslim hosts were overrunning all lands with the message of Islam, *jizia* or the sword. This is, indeed, a distorted picture of what really happened. The fact that there were people who never became Muslims at all, nor ever paid *jizia,* and yet were living in the midst of the Muslims, even fighting their battles, explodes the whole theory of the Muslims offering Islam or the *jizia* or the sword. The truth of the matter is that the Muslims finding the Roman Empire and Persia bent upon the subjugation of Arabia and the expiration of Islam, refused to accept terms of peace without a safeguard against a repetition of the aggression, and this safeguard was demanded in the form of *jizia* or tribute, which would be an admission of defeat to their part. No war was ever started by the Muslims by sending this message to a peaceful neighbour or otherwise. History contradicts such an assertion. But when a war was undertaken on account of the enemy's aggression – his advance on Muslim territory or help rendered to the enemies of the Muslim state – it was only natural for the Muslims not to terminate the war before bringing it to a successful issue. They were ever willing only if he admitted defeat and agreed to pay a tribute, which was really a token tribute as compared with the crushing war indemnities of the present day. The offer to terminate hostilities on payment of *jizia* was thus an act of mercy towards a vanquished foe. But if the token tribute was not accepted by the vanquished power, the Muslims could do nothing but have recourse to the sword until the enemy was completely subdued.

The only question that remains is whether the Muslim soldiers invited their enemies to accept Islam; and whether it was an offence if they did so. Islam was a missionary religion from its very inception, and every Muslim deemed it his sacred duty to invite other people to embrace Islam. The envoys of Islam, wherever they went, looked upon it as their first duty to spread the message of Islam, because they felt that Islam imparted a new life and vigour to humanity, and offered a real solution of the problems of every nation. Islam was offered, no doubt, even to the fighting enemy, but it is a distortion of facts to assume that it was offered to the point of the sword, when there was not a single instance on record of Islam being enforced upon a prisoner of war, nor of Muslims sending a message to a peaceful neighboring people to the effect that they would be invaded if they did not embrace Islam. All that is recorded is that in

the midst of war and after defeat had been inflicted on the enemy in several battles, when there were negotiations for peace, the Muslims in their zeal for the faith related their own experience before the chiefs of the enemy. They stated how they themselves had been deadly foes to Islam, and how ultimately they found Islam to be a blessing and a power that had raised the Arab race from the depth of degradation to the great moral and spiritual heights, and had welded their warring elements into solid nation. In such words did the Muslim envoys invite the Persians and the Romans to Islam, not before the declaration of war but at the time of negotiations for peace. If the enemy then had accepted Islam, there would be no conditions for peace, and the two parties would live like equals and brethren. It was not offering Islam at point of the sword but offering it as a harbinger for peace of equality and of brotherhood. The early Khalifas had to wage wars, but these wars were never aggressive nor were they raised for the desire of propagating the faith of Islam by force. They could not do anything which their Holy Master never did, and which the Holy Koran never taught them to do.

DIRECTIONS RELATING TO WAR

The following instructions were given by the Holy Prophet to the troops dispatched against the Byzantine forces who threatened to invade the Muslims:-

"In avenging the injuries inflicted upon us, molest not the harmless inmates of domestic seclusion; spare the weakness of the female sex; injure not the infant at the breast, or those who are ill in bed. Abstain from demolishing the dwellings of the unresisting inhabitants; destroy not the means of their subsistence, nor their fruit trees and touch not palm".(1)

The Khalifa Abu-Bakr also gave the following instructions to the commander of an army in the Syrian battle:-

"When you meet your enemies quit yourselves like men, and do not turn your backs; and if you gain the victory, kill not the little children,

(1) Vide Ibn Hisham's History, Al-Tabari, etc., etc.

nor old people, nor women. Destroy no palm-trees, nor burn any fields of corn or wheat. Cut down no fruit trees, nor do any mischief to cattle, only such as you kill for the necessity of subsistence. When you make any covenant or treaty, stand to it, and be as good as your word. As you go on, you will find some religious people who live retired in monasteries and who propose to themselves to serve God that way. Let them alone, and neither kill them nor destroy their monasteries."[1]

Similar instructions were given by the succeeding Khalifas to their respective commanders of the troops, all tending to the treatment of the hostile enemies with justice and mercy.

TREATMENT OF THE PRISONERS OF WAR

If the wars, during the time of the Holy Prophet or early Khalifas, had been prompted by the desire of propagating Islam by force, this object could easily have been attained by forcing Islam upon prisoners of war who fell helpless at the hands of the Muslims. Yet this the holy Koran does not allow; but on the contrary it expressly lays down that prisoners of war better be set free. To this effect we read in the Holy Koran the following instruction:-

﴿ فَإِذَا لَقِيتُمُ ٱلَّذِينَ كَفَرُوا۟ فَضَرْبَ ٱلرِّقَابِ حَتَّىٰٓ إِذَآ أَثْخَنتُمُوهُمْ فَشُدُّوا۟ ٱلْوَثَاقَ فَإِمَّا مَنًّۢا بَعْدُ وَإِمَّا فِدَآءً حَتَّىٰ تَضَعَ ٱلْحَرْبُ أَوْزَارَهَا ﴾ [محمد: ٤].

"When the Muslims meet in the battle those hostile disbelievers have to kill them in battle. But when the Muslims have overcome the enemies they had to make them prisoners of war; and afterwards either set them free as a favour or let them ransom themselves until the war terminates" (47 : 4).

Here we are told that prisoners of war can only be taken after meeting an enemy in regular battle, and even in that case they may either be set free, as a favour, or after taking ransoms. The Holy Prophet carried this injunction during his lifetime. In the battle of Hunain, six thousand prisoners of the Hawazin tribe were taken, and they were all set free simply as an act of favour.[2] A hundred families of Bani Mustaliq were

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(1) of. Ibn Hisham , Al-Tabari, etc.
(2) Vide Sahih Al-Bukhari, 40 : 7.

taken as prisoners in the battle of Mura'isi, and they were also set at liberty without any ransom paid[1]. Seventy prisoners were taken in the battle of Badr, and it was only in this case that ransom was exacted; but the prisoners were granted their freedom, while war with the Koraishites was yet in progress[2].

The form of ransom adopted in the case of these prisoners was that they should be entrusted with teaching some of the illiterate Arab Muslims how to read and write[3] . When war ceased and peace was established, all war prisoners would have to be set free, according to the verse quoted above.

PRISONERS OF WAR NOT SLAVES

The treatment accorded to prisoners of war in Islam is unparalleled. No other nation or society can show a similar treatment. The golden rule of treating the prisoner of war like a brother was laid down by the Holy Prophet:-

"They are your brethren. Allah has put them under your hands; so whosoever has his brother under his hand, let him hive him to eat whereof he himself eats and let him give to wear what he himself wears, and do not impose on them a work they are not able to do, and if you give them such a work then help them in the execution of it".[4]

The prisoners were distributed among the various Muslim families as no arrangements for their maintenance by the state existed at the time, but they were treated mercifully. A prisoner of war states that he was kept in a family whose people gave him bread while they themselves had to live on dates[5].

Prisoners of war were, therefore, not only set free but so long as they were kept prisoners they were treated generously.

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(1) Ibn Jarir, Tabari's History III : p. 132, Cairo Edition.
(2) Ibn Jarir, Vol. III, p. 56.
(3) Musnad Ibn Hanbal, I : 247; *Shahul-Mawahib, by Al-ZUrgam,* Vol. I : 534.
(4) Al-Bukhari, 2 – 22.
(5) Al-Tabari's History, Vol. 2 – 287.

WAR AS A STRUGGLE TO BE CARRIED ON HONESTLY

It will be seen from the foregoing statements concerning the injunctions relating to war and peace, that war is recognized by Islam as a struggle between nations which is sometimes necessitated by the conditions of human life. But Islam does not allow its followers to provoke war, nor does it allow them to be aggressors, yet it commands them to put their whole force into the struggle when war is forced on them. If the enemy wants peace after struggle has begun, the Muslims should not refuse, even though there is doubt about the enemy's honesty of purpose. But the struggle, so long as it exists, must be carried on to the end. In this struggle, honest dealing is enjoined even with the enemy throughout the Holy Koran; verse 2, chapter 5, runs thus:-

﴿ وَلَا يَجْرِمَنَّكُمْ شَنَآنُ قَوْمٍ أَن صَدُّوكُمْ عَنِ ٱلْمَسْجِدِ ٱلْحَرَامِ أَن تَعْتَدُوا ۘ وَتَعَاوَنُوا عَلَى ٱلْبِرِّ وَٱلتَّقْوَىٰ ۖ وَلَا تَعَاوَنُوا عَلَى ٱلْإِثْمِ وَٱلْعُدْوَانِ ﴾ [المائدة: ٢].

"And let not hatred of people incite you to exceed the proper limits; and help ye one another in goodness and in piety, and do not help one another in sin and aggression". (5: 2)

Again verse 8 of the same chapter reads thus:-

﴿ وَلَا يَجْرِمَنَّكُمْ شَنَآنُ قَوْمٍ عَلَىٰٓ أَلَّا تَعْدِلُوا ۚ ٱعْدِلُوا هُوَ أَقْرَبُ لِلتَّقْوَىٰ ﴾ [المائدة: ٨].

"Let not hatred of a people incite you not to act equitably; see that you act equitably, that is nearer to piety". (5: 8)

The tradition of the Holy Prophet too enjoins honest dealing in war:-

"Fight and do not exceed the limits and be not unfaithful and do not mutilate bodies and do not kill children".[1]

Such are some of the directions given which purify war of the elements of barbarity and dishonesty in which western warring nations generally indulge. Neither inhuman nor immoral practices are allowed by Islam in war or peace.

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(1) «*Imam*», Muslim's Collection of Hadith, Vol. 2 : 32.



PART *VII*

SPIRITUAL ASPECT OF ISLAM

Chapter (33)

THE TREASURES OF HAPPINESS

Man was marvelously created, not in jest or in random, but for some great end. Although he is not everlasting, he lives forever, and though his body is mean and earthly, his spirit is lofty and divine. When in the crucible of abstinence he is purified from carnal passion which he attains at the highest, and in place of being a slave to lust and anger he becomes gifted with angelic qualities. Attaining that state, he finds his real happiness in the contemplation of Eternal Beauty and no longer in sexual delights. The spiritual medicine which heals from earthly passion is not to be bought with gold or money. It is to be sought in the heart of Prophets; its methods of operation are explained to people by the instruction given and practical life led by the messengers of God. The loving Creator has sent various messengers to teach men the prescription of this cure and how to purify their hearts from baser qualities in the crucible of abstinence. In fact, men will find free treasures of happiness open before them once they turn away from the word of God, and it is to do so that Islam has formed itself also into moral science.

The constituents of the Islamic medicine are numerous, but they can be reduced to six exponents, namely:-

1. The knowledge of self.
2. The knowledge of God.
3. The knowledge of this world.
4. The knowledge of the next world.
5. The three stages of man's development.
6. Self-examination, the recollection and love of God.

We shall proceed to explain these exponents hereinafter as briefly as possible.

1. - THE KNOWLEDGE OF SELF

Nothing is nearer to man than himself, and if he knows not himself he cannot know anything else. Knowledge of self is the key to the knowledge of God: The Holy Prophet says: "*He who knows himself well, knows God*". In the Koran we read:-

﴿ سَنُرِيهِمْ ءَايَـٰتِنَا فِى ٱلْآفَاقِ وَفِىٓ أَنفُسِهِمْ حَتَّىٰ يَتَبَيَّنَ لَهُمْ أَنَّهُ ٱلْحَقُّ ﴾ [فصلت: ٥٣].

"God will show men His signs in the world and in themselves that the truth may be manifest to them" (41: 53).

Now if one says "I know myself" meaning his outward shape, body face, limbs and so forth, such knowledge can never be a key to the knowledge of God or the truth. Nor does man's knowledge as to that which is within only extends so far that when hungry he eats, and when he is angry he attacks, will he progress any further in this path, for the beasts are his partners in this capacity.

Real self-knowledge consists in solving the following problems:-

What is man himself and from whence he is come? Whither is he going, and for what purpose has he come to tarry here a while, and in what does his real happiness and misery consist?

Some of man's attributes are those of animals, some of devils, and some of angels, and he has to find out which of these attributes are accidental and which are essential. Till he knows this, he cannot come to a real knowledge of himself.

The occupation of animals is eating, sleeping and fighting. Therefore, if man is an animal, let him busy himself in these things. Devils are busy in stirring up mischief, and in guile and deceit; if he belongs to their species let him do their work. Angels contemplate the beauty of God, and are entirely free from animal qualities; if he is of angelic nature, then let

him strive towards his own origin, that he may know and contemplate God, and be delivered from animal thralldom of *passion* and *anger*. He should also discover why he has been created with these two animal instincts. Whether they should subdue him and lend him captive or whether he should subdue them, and, in his upward progress, make of one his steed and of the other his weapon.

The first step of a man's knowledge is to know that he is composed of an outward shape, called the body and an inward entity called the heart, or soul. By "heart" is not meant the piece of flesh resting at the left of our bodies, but that which uses all faculties as its instruments and servants. In truth, it does not belong to the visible world, but to the invisible, and has come into this world as a traveler who visits a foreign country for the sake of trade and will presently return to his native land. The knowledge of this entity and its attributes is the keynote to the knowledge of God. To this the Holy Koran says:-

﴿ وَمَا خَلَقْتُ ٱلْجِنَّ وَٱلْإِنسَ إِلَّا لِيَعْبُدُونِ ﴾ [الذاريات: ٥٦].

"We (God) have not created Jinn and Men but that serve Me" (and obey His messengers) (51: 56).

The Reality of the Heart.

Some idea of the reality of the heart spirit may be obtained by a man closing his eyes and forgetting everything around him except his individuality. He will thus obtain a glimpse of the unending nature of that individuality. An exact philosophical knowledge of the heart or spirit is not necessary preliminary to striving in the path of God, but comes rather as the result of self-discipline, and perseverance in that path, as it is taught in the Koran:-

﴿ وَٱلَّذِينَ جَٰهَدُواْ فِينَا لَنَهْدِيَنَّهُمْ سُبُلَنَا ۚ وَإِنَّ ٱللَّهَ لَمَعَ ٱلْمُحْسِنِينَ ﴾ [العنكبوت: ٦٩].

"Those who struggled themselves for God's sake, We will surely guide them to Us, they having been righteous and Allah loves the righteous" (29: 69).

Thus, much is known of the heart that it is in an indivisible essence

belonging to the world of decree, and that it is not from everlasting, but a created spiritual entity.

For the carrying on of this spiritual struggle by which the knowledge of oneself is to be obtained, the body may be figured as a kingdom, the soul as its king, and the different senses and faculties as the king's army. Reason may be called the minister, *passion* the revenue-collector, and *anger* the police-officer. Under the pretext of collecting revenue, passion is continually prone to plunder on its own account, while anger, the police-officer, is always inclined to harshness and extreme severity. Both of these two, the revenue-collector and the police-officer, have to be kept in due subordination to the king, but not killed or expelled, as they have their own proper functions to perform. But if passion predominates reason, the ruin of the soul indubitably ensues.

Man's Highest Faculty.

A soul which allows its lower faculties to master the higher is as one who should commit one's wealth to the custody of the thieves, or his only son to the care of base, wicked servants. The aim of Islamic discipline is but to purify the heart from the lust of passion and resentment, till as clear as a mirror, it reflects the light of God.

It is questionable that man has been created with animal and demoniac qualities as well as angelic, but it is these latter which constitutes *his real essence,* while the former are merely accidental and transitory. The essence of each creature is to be sought in that which is highest in it and peculiar to it.

For instance, the horse and the ass are both burden-bearing animals, but the superiority of the horse to the ass consists in its being adapted for use in battle. If it falls in this, it is degraded to the rank of burden-bearing animals. Similarly with man: The highest faculty in him is reason, which fits him to the contemplation of God. If this faculty predominates in him when he dies, he leaves behind him all tendencies to passion and resentment, and becomes capable of association with angels. As regards his mere animal qualities, man is inferior to many animals, but reason

makes him superior to them. However, if man's lower tendencies have been triumphant, after death he will be looking towards the earth and longing for worldly delights.

The Power of the Soul

Now the rational soul in man abounds in marvels, both of knowledge and power. By means of it he masters arts and sciences, can pass in a flash from earth to heaven and back again, and can map out the skies and measures the distance between the stars. By it also, he can draw the biggest fish from the sea and the remotest birds from the air, and can subdue beasts to his service like the elephant, the camel, the horse and the like. His five senses are like five doors opening on the external world; but, more wonderful than this, his heart has a window that opens on the unseen world of spirits. In the state of sleep, when the avenues of the senses are closed, this window is opened and man receives impressions from the unseen world and sometimes foreshadowing of the future. His heart is then like a mirror which reflects what is pictured in the Table of Fate. But even in sleep, thoughts of worldly things dull the mirror so that the impressions it receives are not clear. After death, however, such thoughts vanish and things are seen in their naked reality, and the word of God is fulfilled:-

﴿ لَّقَدْ كُنتَ فِى غَفْلَةٍ مِّنْ هَـٰذَا فَكَشَفْنَا عَنكَ غِطَآءَكَ فَبَصَرُكَ ٱلْيَوْمَ حَدِيدٌ ﴾ [ق: ٢٢].

"Thou hast heedless of this (end); We have now removed the veil from your eyes and so thy sight today is piercing" (50: 22).

This opening of a window in the heart towards the unseen also takes place in conditions approaching those of prophetic inspiration, when the intuitions spring up in the mind unconveyed through any sense channel. The more a man purifies himself from carnal passions and concentrates his mind on God (by strictly following the teachings of the Holy Prophet and abiding by the instructions of the Koran), the more conscious will he be of such intuitions. Those who are not conscious of them have no right to deny their reality.

Just as iron, by sufficient polishing, can be made into a mirror, so any

heart by due discipline can be rendered receptive of such impressions. But some hearts are like mirrors so contaminated with rust and dirt, that they reflect no clear reflections, while those of the Prophets and saints, though they are men born with human passions, are extremely sensitive of all divine impressions. The Holy Koran refers to such contaminated hearts by saying:-

﴿ كَلَّا ۖ بَلْ ۜ رَانَ عَلَىٰ قُلُوبِهِم مَّا كَانُوا يَكْسِبُونَ ﴿١٤﴾ ﴾ [المطففين: ١٤].

"No! Indeed their hearts were rusted (contaminated) (bad) deeds" (83: 14).

The soul of man is capable of holding the first rank among created things, and this not only by reason of knowledge, acquired and intuitive, but also by reason of power. Just as angels preside over the elements, so does the soul rule the members of the body. These souls which attain a special degree of power not only rule their own bodies but those of others also. If they pray for a sick man to recover, he recovers, and so on. These powerful souls differ from common folks in three different ways: (1) What others see in dreams they see in their waking moments, (2) While others will only affect their own bodies, these by God's power, can move bodies extraneous to themselves, (3) The knowledge which others acquire by laborious learning comes to them by intuition.

The Perception of Truth

These three, of course, are not the only marks which differentiates them from common people, but the only ones that come within our knowledge. Just as no one knows the real nature of God but God Himself, so no one knows the real nature of a saint but a saint. Nor is this to be wondered at, as in everyday matters we see that it is impossible to explain the charm of poetry to one whose ear is insusceptible to cadence and rhythm, or the glories of color to one who is stone-blind. Besides mere capacity, there are other hindrances to the attainment of spiritual truth. One of these is externally acquired knowledge. To use an illustration, the heart may be represented as a well, and the five senses as five streams which are continually discharging water into it.

In order to find out the real contents of the heart, these streams must be stopped for a time, at any rate, and the refuse they have brought with them must be cleared out of the well. In other words, if we are to arrive at pure spiritual truth, we must put away for the time any knowledge which has been acquired by external processes and which too often hardens into dogmatic prejudice.

According to Islamic spiritual experiences, happiness, the ideal of every human being, is necessarily linked with the knowledge of God. Each faculty of ours delights in that for which it is created. Lust delights in accomplishing desire; anger in taking vengeance, the eye in seeing beautiful objects, and the ear in hearing harmonious sounds. The highest function of the soul of men is perception of truth; in this accordingly it finds its special delight. As a matter of course, the higher the subject matter of the knowledge obtained, the greater the delight. A man would be pleased at being admitted at the confidence of a prime minister, but how much more if an emperor makes an intimate of him and discloses state secrets with him!

Seeing then that nothing is higher than God, how great must be the delight which springs from the knowledge of Him.

A person in whom the desire for this knowledge has disappeared is like one who had lost his appetite for wholesome food; all bodily appetites perish at death with the organs they use, but the soul dies not, and retains what knowledge of God it possesses, nay, increases it.

An important part of our knowledge of God arises from the study and contemplation of our own bodies, which reveals to us the power, wisdom, and love of the Creator. His power is that from a mere drop he has built up the wonderful frame of man; his wisdom is revealed in its intricacies and the mutual adaptability of its part, and His love is shown by His not only supplying such organs as are absolutely necessary for existence, as the liver, the heart, and the brain, but those which are not absolutely necessary, but are added as ornaments, such as the color of the hair, the redness of the lips, also the eyelashes, and the curve of the eyebrow, etc.

The Steed and its Rider

Man has been truly termed a "microcosm" or a little world in himself, and the structure of his body should be studied not only by those who wish to become physicians, but by those who wish to attain to a more intimate knowledge of God, just as a close study of the niceties and shades of language in a great poem reveals to us more and more of the genius of its author.

But, when all is said, the knowledge of the soul plays a more important part in leading to the knowledge of our body and its functions. The body may be compared to a steed and the soul to its rider, the body was created for the soul, the soul for the body. If a man knows not his own soul, which is the nearest thing to him, how can he claim to know others?

A man who neglects his soul and suffers its capacities to rust or to degenerate, must necessarily be the loser in this world and the next. To this the Holy Koran refers saying:-

﴿ وَمَن كَانَ فِي هَٰذِهِۦٓ أَعۡمَىٰ فَهُوَ فِي ٱلۡأٓخِرَةِ أَعۡمَىٰ وَأَضَلُّ سَبِيلٗا ﴿٧٢﴾ ﴾ [الإسراء: ٧٢].

"Whoever is blind (in this world), he shall also be hereafter and in more need of light to guide him" (17: 72).

In another verse, the faithful, the righteous, and the godly shall have light on that day, while the wicked and the undutiful will have no light as if they were stone-blind.

﴿ يَوۡمَ تَرَى ٱلۡمُؤۡمِنِينَ وَٱلۡمُؤۡمِنَٰتِ يَسۡعَىٰ نُورُهُم بَيۡنَ أَيۡدِيهِمۡ وَبِأَيۡمَٰنِهِم ﴾ [الحديد: ١٢].

"On that day thou shalt see the true believers with light streaming before them and on their right" (57: 12).

The true greatness of man lies in his capacity for eternal progress; otherwise in this temporal sphere he is the weakest of all things, being subject to huger, thirst, heat, cold, and sorrow. These things in which he takes most delight are often the most injurious to him, and these things which benefit him are not to be obtained without toil and trouble. As to

his intellect, a slight disarrangement of matter in his brain is sufficient to destroy or madden him; as to his power, the sting of a wasp is sufficient to rob him of ease and sleep; as to his temper, he is upset by the loss of a shilling. In truth, man in this world is extremely weak and contemptible; it is only in the next world that he will be of value, if by means of the Islamic alchemy of happiness he has risen from the ranks of animals to that of angels.

Otherwise his condition will be worse than the brutes, which perish and turn to dust. It is necessary for him, at the same time, that he is conscious of his superiority as the climax of the created things, to learn to know also his happiness, as that too is one of the keys to the knowledge of God.

2. – THE KNOWLEDGE OF GOD

He who knows himself knows God, that is by contemplation of his own being and attributes, man arrives at some knowledge of God. But since many who contemplate themselves do not find God, it follows that there must be some special way of doing so. When a man considers himself he knows that there was a time when he was non-existent, as it is written in the Koran:-

﴿ هَلْ أَتَىٰ عَلَى ٱلْإِنسَـٰنِ حِينٌ مِّنَ ٱلدَّهْرِ لَمْ يَكُن شَيْـًٔا مَّذْكُورًا ﴾ [الإنسان: ١].

"Does it not occur to man that he was not a thing that could be spoken of" (76:1).

Furthermore, he knows that he was made out of a drop of water in which there were neither intellect nor hearing, sight, head, hands, feet, etc. It is obvious that whatever degree of perfection he might have arrived at, he did not make himself nor could he ever make a single hair. How much helpless, then, was his condition when he was a mere drop of water!

Reflection of God's Attributes

Thus, he finds in his own being reflected in miniature, so to speak,

the power, wisdom, and love of the Creator. If all the sages of the world are assembled, and their lives prolonged for an indefinite time, they could not effect any improvement in the construction of a single part of the body.

For instance, in the adaptation of the front and the side teeth to the mastication of food, and in the constriction of the tongue, salivary glands, and throat for its deglutition, we never find a contrivance which can be improved upon. Similarly, whoever considers his hands, with its five fingers of unequal lengths, four of them with three joints and the thumb with only two, and the way in which it could be used for grasping, or for carrying, or for smiting, will frankly acknowledge that no amount of human wisdom could better it by altering the number and arrangement of the fingers, or in any other way.

When a man further considers how his various wants of food, lodging, etc., are simply from the storehouse of creation, he becomes aware that God's mercy is as great as His Power and Wisdom, according to the Prophet's saying:-

إن الله أحن على عباده من الأم على ولدها الرضيع.

"God is more tender to His servants than a mother to her suckling-child".

Thus from his creation man comes to know God's existence; from the wonders of his bodily frame, God's power and wisdom; and from the ample provision made for his various needs, God's love.

In this way, the knowledge of oneself becomes a key to the knowledge of God.

Not only are man's attributes a reflection of God's attributes, but the mode of existence of man's soul affords some insight into God's mode of existence. Both God and the soul are invisible, indivisible, unconfined by space and time, and outside the categories of quantity and quality. Nor can the ideas of shape, color, or size attach to them. People find it hard to form a conception of such realities as are devoid of quality and quantity, etc. but a similar difficulty attaches to the conception of our everyday

feelings, such as anger, pain, pleasure, or love. They are thought-concepts, and cannot be recognized by the senses, whereas quality, quantity, etc., are sense-concepts. Just as the ear cannot take the cognisance of color, nor the eye of sound, so in the conceiving of the ultimate realities, God and the soul, we find ourselves in a region in which sense-concepts can bear no part. So much, however, we can see that as God is the Ruler of the universe, and, being Himself beyond space and time, quantity and quality, He governs things that are so conditioned, so the soul rules as well the body and its members, being itself invisible, indivisible, and unlocated in any special part. From all this we see how true is the saying of the Prophet:-

"God created man in His own likeness". خلق الله الإنسان على صورته

Man – a King in Miniature

As we arrive at some knowledge of God's essence and attributes from the contemplation of the soul's essence and attributes, so we come to understand God's method of working and government and delegation of power to angelic forces, etc., by observing how each of us governs his own kingdom. To take a simple instance: suppose a man wishes to write the name of God. First of all the wish is conceived in his heart, it is then conveyed to the brain by the vital spirits, the form of the word "God" takes shape in the thought-chambers of the brain, thence it travels by the nerve-channels, and sets in motion the fingers, which in turn set in action the pen, and thus the name of "God" is traced on paper exactly as it had been conceived in the writer's brain. Similarly when God wills a thing it appears in the spiritual plan, which is called in the Koran *Al-'Arsh* or the Throne, from the throne it passes from a spiritual current to a lower current called *Al-Korsi* or the Chair, then the shape of it appears on *"Al-Lawh Al-Mahfuz"* or the Reserved Tablet, whence by the meditation of the forces called "angels", it assumes actuality and appears on earth in the form of plants, trees, and animals representing the will and command of God, as the written letter represents the wish and thought conceived in the heart and the shape present in the brain of the writer.

God has made each one of us a king of miniature, so to speak over a kingdom which is an infinitely reduced copy of His own. In the kingdom

of man, God's throne is represented by the soul, the "archangel" by the heart, the "chair" by the brain, and the "tablet" by the treasure-chamber of thought. The soul, itself unlocated and indivisible, governs the body, as God governs the universe. In short, each of us is entrusted with a little kingdom, and charged not to be careless in the administration of it. It is a wonderful trust charged to the care of man. To this the Holy Koran alludes by saying:-

﴿ إِنَّا عَرَضْنَا ٱلْأَمَانَةَ عَلَى ٱلسَّمَٰوَٰتِ وَٱلْأَرْضِ وَٱلْجِبَالِ فَأَبَيْنَ أَن يَحْمِلْنَهَا وَأَشْفَقْنَ مِنْهَا وَحَمَلَهَا ٱلْإِنسَٰنُ إِنَّهُۥ كَانَ ظَلُومًا جَهُولًا ﴿٧٢﴾ ﴾ [الأحزاب: ٧٢].

"We have offered the Trust to the heavens and the earth and the mountains but they were afraid to become unfaithful to it and feared it, and man accepted it but he was unfaithful to it, surely he was unjust and ignorant" (33: 72).

As regards the recognition of God's providence, there are several degrees of knowledge. The mere physicist is like an ant that, crawling on a sheet of paper, and observing black letters being written by a pen, should attribute the cause to the pen alone. The astronomer is like an ant of somewhat wider vision that would catch sight of the fingers moving the pen, i.e. he knows that the elements are under the power of the stars, but he does not know that the stars are under the power of angels. Thus owing to the different degrees of perception in men, disputes must arise in tracing effects to causes. Those whose eyes never see beyond the world of phenomena are like those who mistake servants for the master. The laws of phenomena must be constant, or there could be no such thing as science. But it is a great error to mistake the servants for the master.

A Lustrous Pearl

As long as this difference in the perspective faculty of the observers exists, disputes must necessarily continue. It is as if some blind men, hearing that an elephant has come to their town, should go and examine it. The only knowledge of it which they can obtain comes through the sense of touch, so one handles the animal's leg, another his tusk, another his ear, and according to their perceptions, declare it to be a column, a

thick pole, or a quilt, each taking a part for the whole. Similarly the physicist and astronomer confound the laws they perceive with the law-giver. A similar mistake is attributed to Abraham in the Koran, when he turned successively to the stars, moon and sun as the objects of his worship. Grown aware of Him who made all these, he exclaimed:-

"I love not those that set" (6: 76).[الأنعام: ٧٦] ﴿ قَالَ لَآ أُحِبُّ ٱلْأَفِلِينَ ﴾

We have a common instance of this attribution to second causes which ought to be attributed to the First Cause in the case of so-called illness. For instance, if a man ceases to take any interest in worldly matters, conceives a distaste for common pleasure, and appears sunk in depression, the doctor will say: "This is a case of melancholy and requires such and such a prescription". The physicist will say: "This is a dryness of the brain caused by hot water and cannot be releaved till the air becomes moist". The astrologer will attribute it to some particular conjunction or opposition of planets. *"Thus far their knowledge reaches",* says the Koran (in Arabic ذلك مبلغم من العلم). It does not occur to them that what has really happened is this. That the Almighty God has a concern for the welfare of that man, and has, therefore, commanded His servants, the planets or the elements to produce such a condition in him that he may turn away from the world to his Maker. The knowledge of this fact, declares the Muslim saint, is a lustrous pearl from the ocean of inspirational knowledge, to which all other forms of knowledge are like islands in the sea.

The doctor, physicist, and astrologer are no doubt right, each in his particular branch of knowledge, but they do not see that sickness is, so to speak, a cord of love by which God draws to Himself the Saints.

Similarly, common folk are right when they exclaim, as they often do, that "God is the Great". Most of them, however, understand this exclamation to mean that God is greater than creation. But when we consider that creation is God's manifestation, just as light manifests the sun, we will see that it is not correct to say that the sun is greater than its own light. So the exclamation "God is Greater" rather means that God's greatness immeasurably transcends our cognitive faculties, and that we can only form a very dim and imperfect idea of it. If a child asks us to explain to him the pleasure which exists in wielding sovereignty, we may

say it is like the pleasure he feels in playing bat and ball, though in reality the two have nothing in common except that they both come under the category of pleasure. Moreover, such imperfect knowledge of God as we can attain is not a mere speculative knowledge, but must be accompanied by devotion and worship.

The Seed of Happiness

When a man dies he has to do with God alone, and if we have to live with a person, our happiness entirely depends upon the degree of affection we feel towards him. Love is the seed of happiness, and love to God is fostered and developed by worship. Such worship and constant remembrance of God imply a certain degree of austerity and curbing of bodily appetites. Not that a man is intended altogether to abolish these, for then human race would altogether perish. But strict limits must be set to their indulgence, and as man is not the best judge in his own case as to what these limits should be, he had better consult some spiritual guide on subject. Such spiritual guides are the Prophets, and the laws laid down by them under divine inspiration which prescribe the limits to be strictly observed in these matters, without being transgressed, as the Koran puts it:-

﴿ وَمَن يَتَعَدَّ حُدُودَ ٱللَّهِ فَقَدْ ظَلَمَ نَفْسَهُۥ ﴾ [الطلاق: ١].

"He whoever goes beyond the limits of Allah, he indeed does injustice to himself" (65:1).

And again we read in the Koran:-

﴿ تِلْكَ حُدُودُ ٱللَّهِ ۚ وَمَن يُطِعِ ٱللَّهَ وَرَسُولَهُۥ يُدْخِلْهُ جَنَّٰتٍ تَجْرِى مِن تَحْتِهَا ٱلْأَنْهَٰرُ ﴾ [النساء: ١٣].

"These are God's limits and he who does not exceed them but obeys God and His Apostle; God will cause him to enter Paradise to abide in it" (4: 13).

Notwithstanding this clear pronunciation of the Koran there are those who, through their ignorance of God, do transgress these limits, and this

ignorance may be due to several different causes. First, there are some persons, who failing to find God by observation, conclude that there is no God, and that this world of wonders has made itself, or existed from the everlasting. They are like a man who, seeing a beautifully written letter, should suppose that it had written itself without a writer, and had always existed.

Some through the ignorance of the real nature of the soul repudiate the doctrine of a future life, in which man will be called to account and will be rewarded or punished according to his good or bad deeds. They regard themselves as no better than animals or vegetables and equally perishable. Some, on the other hand, believe in God and future life, but with a weak belief. They say to themselves that "God is great and independent of us. Our worship or abstinence from worship is a matter of indifference to Him". Their state of mind is like that of a sick man who, having been prescribed a certain regime by his doctor, should say: "Well if I follow it or do not follow it, what does it matter to the doctor". It certainly does not matter to the doctor, but the patient may destroy himself by his disobedience. Just as surely an unchecked sickness of the body ends in bodily death, so does uncured diseases of the soul end in future misery, according to the Divine message in the Koran:-

﴿ إِلَّا مَنْ أَتَى ٱللَّهَ بِقَلْبٍ سَلِيمٍ ﴿٨٩﴾ ﴾ [الشعراء: ٨٩].

"Only those shall be saved who come to God with a sound heart" (not with a heart contaminated with sin) (26: 89).

A fourth kind of unbelievers are those who say: "The law commands us to abstain from anger, lust and bodily passions. This is quite impossible, for man is created with these qualities inherent in him". These people ignore the fact that the law does not require us to uproot these passions altogether but to restrain them within due limits, so that by avoiding the greater sins we may obtain God's forgiveness of the small ones. Even the Holy Prophet said in an instance; *"I am a man like you, and I get angry sometime but I am apt to subdue my anger"*. In the Koran we find that God tells us:-

﴿ وَٱلْكَـٰظِمِينَ ٱلْغَيْظَ وَٱلْعَافِينَ عَنِ ٱلنَّاسِ ﴾ [آل عمران: ١٣٤].

"He loves those who restrain their anger" (not those who have no anger at all) (3: 134).

Another kind of people lay stress on the beneficence of God while they ignore His justice. They say to themselves: "Well, whatever we commit, God will pardon us because He is Merciful". They do not consider that though God is Merciful, thousands of human beings perish miserably in hunger and disease. They know that whatsoever wishes of a livelihood, or learning would never get it by merely saying 'God is merciful', but he must exert himself as well.

Although the Koran states:-

﴿ وَمَا مِن دَآبَّةٍ فِى ٱلْأَرْضِ إِلَّا عَلَى ٱللَّهِ رِزْقُهَا ﴾ [هود: ٦].

"Every living creature's sustenance comes from God" (11:6).
It is also written in the Koran:-

﴿ وَأَن لَّيْسَ لِلْإِنسَـٰنِ إِلَّا مَا سَعَىٰ ۝ ﴾ [النجم: ٣٩].

"Man obtains nothing except by striving" (53:39).

Indeed, it is the devil that spreads his teachings among those people, and really they do speak with their lips, and not with their hearts.

It is hoped that it is now made clear how by contemplation of his own being and attributes, man arrives at some knowledge of God. He who does not master his appetites does not deserve the name of a man, and a true believer in God is he who cheerfully acknowledges the obligations imposed upon him by the law. But he who endeavours on whatever pretext to ignore these obligations or fails to put them into practice must not except to acquire any true knowledge of God.

3. – THE KNOWLEDGE OF THIS WORLD

This world is a stage or market-place passed by pilgrims on their way to the next. It is here that they are to supply themselves with provision for

the way, or, to put it plainly, it is here that man acquires by the use of his bodily senses some knowledge of the works of God, and, through them, of God Himself, the sight of Whom will constitute his future attitude. It is for acquirement of this knowledge that the spirit of man has descended into this world of water and clay. As long as his senses remain with him he is said to be "in this world", when they depart, and when only his essential attributes remain, he is said to have gone to "the next world".

The Soul of the Body

While man is in this world, two things are necessary for him: first, the protection and nurturing of his soul; secondly, care and nurturing of his body. The proper nourishment of the soul is the knowledge and love of God, and to be absorbed in the love of anything but God is the ruin of the soul. The body, so to speak, is simply the riding-animal of the soul and perishes while the soul endures. The soul should take care of the body, just as a pilgrim on his way to Mecca takes care of his camel; but if the pilgrim spends his whole time in feeding and adorning his camel, the caravan will leave him behind, and he will miss the performance of the pilgrimage. Man's bodily needs are simple being comprised under three headings, namely food, clothing and a dwelling-place; but the bodily desires which are implanted in him with a view to procuring them are apt to rebel against reason which is of later growth than they. Accordingly as we see in the foregoing, they require curbing and restraining by the divine laws promulgated by God's Messengers.

Considering the world with which we have for a time to do, we find it essentially divided into three departments: animal, vegetable and mineral. The products of all three are continually needed by man and have given rise to some principle occupations: those of the cultivators, the weaver, the builder and the worker in metals. These, again, have many subordinate branches, such as tailors, masons, smiths, carpenters, glaziers, etc. None can be quite independent of others; this gives rise in various business connections, and relations, and these two frequently afford occasions for hatred, envy, jealousy and other maladies of the soul. Hence comes some quarrels and strife, and the need for political and civil government and knowledge of law.

The Three Necessities

Thus the occupations and business of the world have become more and more complicated and troublesome, chiefly owing to the fact that men have forgotten that their real necessities are only three: clothing, food and shelter, and that those exist only with the object of making the body a fit vehicle for the soul in its journey to the next world. They have fallen into the same mistake as the pilgrim to Mecca mentioned above, whom, forgetting the object of his pilgrimage and himself, should spend his whole time in feeding and adorning his camel. Unless a man maintains the strictness watch, he is certain to be fascinated and entangled by the world.

The deceitful character of the world comes out in the following ways: in the first place, it pretends that it will always remain with you, while, as a matter of fact, it is slipping like a shadow, which seems stationary, but is actually always moving. Again the world presents itself under the guise of a radiant but immoral sorceress; it pretends to be in love with you; it fondles you and then goes off to your enemies, leaving you to die of chagrin and despair.

Those who have indulged themselves *without limit* in the pleasure of the world, will, at the time of death, be like a man who has gorged himself to repletion on delicious vines and then vomits them up. The deliciousness is gone, but the disgrace remains. The greater the abundance of the possessions which they have enjoyed in the shape of gardens, castles, male and female servants, gold, silver, etc., the more keenly will they feel the bitterness of parting from them. This is bitterness which will outcast death, for the soul which has contracted covetousness as a *fixed habit* will necessarily in the next world suffer from the pangs of unsatisfied desire. Another dangerous property of worldly things is that they at first appear as mere trifles, but each of those so-called "branches" out into countless ramifications until they swallow up the whole of a man's time and energy. It is reported that Jesus Christ (upon whom be peace) said, *"The level of the world is like a man drinking sea-water, the more he drinks, the thirstier he gets, till at last he perishes without thirst unquenched".* The Prophet Muhammad (upon whom be peace) said, *"We can no more mix with the lust of the world without being contaminated by it then you can go into water without getting wet".*

Likeness of the World

The world is like a table spread for successive relays of guests who come and go. There are various dishes, abundance of fruit and perfumes. The wise guest eats as is sufficient for him, smells the perfumes, thanks his host and departs. The foolish guest, on the other hand, tries to carry off some of the gold and silver dishes, only to find them stretched out of his hands and himself thrust, forth, disappointed and disgraced.

We may close these illustrations of the deceitfulness of the world with the following short parable: suppose a ship is to arrive at a certain well-wooded island. The captain of the ship tells the passengers that he will stop a few hours there, and that they can go on shore for a short time, but warns them not to remain there too long. Accordingly the passengers disembark and stroll in different directions. The wisest, however, return after a short time, and finding the ship empty, choose the most comfortable place in it. A second bond of the passengers spent a somewhat longer time on the island, admiring the foliage of the trees and listening to the songs of birds. Coming back on board, they find the best places in ship already occupied, and have thereby to connect themselves with the less comfortable ones. A third party wonders still further, and, finding some brilliantly coloured stones, carry them back to the ship. There lateness in coming on board compels them to stow themselves away in the lower parts of the ship, where they find there loads of stones, which by this time have lost all their brilliancy, very much in their way. The last group goes so far in the wonderings that they get quite out of reach of the captain's voice calling them to come on board, so at last he has to sail away without them. They wander about in a hopeless condition and finally either perish with hunger or fall a prey to wild beasts.

The first group, the faithful, who keep aloof from the fascination of the world altogether and the last group are the infidels, who care only for this world and nothing for the next. The two intermediate classes are those who preserve their faith, but entangle themselves more or less with the vanities of the things present.

Although we have said so much against the world, it must be remembered that there are certain things in the world which are not really

of it, such as knowledge and good deeds. A man carries with him what knowledge he possesses with him into the next world, and, though his good deeds have passed the effect of them remains in his character. Especially is this the case with acts of devotion, which result in the perpetual remembrance and love of God. These are among "those good things" which as the Koran says:-

﴿ مَا عِندَكُمْ يَنفَدُ ۖ وَمَا عِندَ ٱللَّهِ بَاقٍ ۗ وَلَنَجْزِيَنَّ ٱلَّذِينَ صَبَرُوٓا۟ أَجْرَهُم بِأَحْسَنِ مَا كَانُوا۟ يَعْمَلُونَ ﴾ [النحل: ٩٦].

> *"What is with you passes away and what is with God is enduring; and We will most surely give to those who were patient their reward according to the best of what they earned."*
>
> (16: 96).

Other good things are there in the world such as marriage, food, clothing, etc., which a wise man uses just in proportion as they help him to attain in safety in the next world. Other things which engross in mind, causing it to cleave to this world and to be careless of the next, are purely evil and were alluded to by the Holy Prophet Muhammad when he said: *"The world is but a vanity fair and all occupations in it are mere vanity except when they do not hinder a man from remembering God and worshipping Him, and doing good deeds".*

4. – THE KNOWLEDGE OF THE NEXT WORLD

All believers in the scriptures of God are sufficiently informed as regards the joys of heaven and the pains of hell which will follow this life. But according to the Saints there is also a spiritual heaven and hell. They believe that in the heart of the righteous or the enlightened man there is a window opening on the realities of the spiritual world through which he is apt to know, not by hearsay or traditional belief, but by actual experience, what produces wretchedness or happiness in the soul, just as clearly and decidedly as the physicians know what produces sicknesses or health in the body.

The effect of death on the composite nature of man is illustrated by

the Muslim saints as follows; man has two souls, an animal soul and a spiritual soul, of which the latter is more or less of angelic nature. The seed of the animal soul is the heart, from which this soul issues like a subtle vapor and pervades all the members of the body, giving the power of sight to the eye, the power of hearing to the ear, and to every member the faculty of performing its own appropriate functions. It may be compared to a lamp, carried about within a cottage, the light of which falls upon the walls wherever it goes. The heart is the wick of this lamp, and when the supply of oil is cut off for any reason the lamp is sure to die. Such is the death of the animal soul. With the spiritual or the human soul, the case is different. It is indivisible and by it man knows God. As it were, it is the rider of the animal soul, and when that perishes it still remains but like a horseman who has been dismounted, or like a hunter who has lost his weapons. That steed and those weapons were granted to the human soul that by means of them it might pursue and capture the Phoenix of love and knowledge of God. If it has effected that capture, it is not a grief but rather a relief to be able to lay those weapons aside, and to dismount from the weary steed. Therefore, all saints consider death as a welcome gift of God to His lovers. But also for that soul that loses its steed and hunting-weapons before it has captured the prize, its misery and regret will be indescribable.

Further consideration will show how clearly distinct the human soul is from the body and its members. Limb after limb may be paralyzed and cease working, but the individuality of the soul is impaired. Again, the body which we have now is no longer the body which we had when young, but entirely different, yet our personality now is identical with our personality then. It is, therefore, easy to conceive of it as persisting when the body is done with it altogether along with its essential attributes which were independent of the body, such as the knowledge and the love of God. But if, instead of carrying away with us knowledge and love, we depart in ignorance of God, this ignorance is also an essential and will abide with darkness of soul and seed of memory. Therefore, the Koran teaches the Muslims that:

﴿ وَمَن كَانَ فِي هَٰذِهِۦٓ أَعْمَىٰ فَهُوَ فِي ٱلْءَاخِرَةِ أَعْمَىٰ وَأَضَلُّ سَبِيلًا ﴾ [الإسراء: ٧٢].

"He who is blind in this life will be blind in the next life and will be still more astray from the path of happiness" (17: 72).

The reason of the human spirit seeking to return to the upper world is that its origin was from thence, that it is of celestial origin. It was sent down into this lower sphere against its will to experience devotion to God and acquire divine love through worshipping Him; and doing good deeds and avoiding evil ones and departs to receive its reward with the righteous. This is clearly taught from the Koranic verse which may be rendered in the following terms:-

﴿ قُلْنَا ٱهْبِطُوا۟ مِنْهَا جَمِيعًا ۖ فَإِمَّا يَأْتِيَنَّكُم مِّنِّى هُدًى فَمَن تَبِعَ هُدَاىَ فَلَا خَوْفٌ عَلَيْهِمْ وَلَا هُمْ يَحْزَنُونَ ﴿٣٨﴾ ﴾ [البقرة: ٣٨].

> *"Go down (Adam and Eve) from hence, all of you (your posterity), there will come to you true guidance they need not fear nor shall they be grieved"* (2: 38).

The mystic conception is that just as the health of the animal soul consists in the equilibrium of its component parts, and this equilibrium is restored, when impaired, by appropriate medicine, so the health of the human soul consists in a moral equilibrium which is maintained and repaired, when necessary, by ethical instruction and moral percepts.

As already pointed out, the human soul is essentially independent of the body. Some people, however, have supposed that the human soul is annihilated after death and then restored, but this is contrary both to reason and to the word of God as revealed in the Holy Book. The former shows us that death does not destroy the essential individuality of man, and the Koran teaches us that *"those who are killed while defending the religion of God are not dead, but still alive, rejoicing in the presence of their Lord and in the grace bestowed on them"*. Not a word is said in the law about any of the dead, good or bad, being annihilated. Nay, the Prophet is said to have questioned the spirits of those who were killed among the infidels in battle against the early Muslims, as to whether they have found the punishment which God had threatened them, real or not. When the followers of the Holy Prophet asked him what was the good of his questioning them who were dead, he replied, *"They hear my words better than you do"*.

Some Sufis have the unseen world of heaven and hell revealed to them when in a state of deathlike trance. On their recovering

consciousness, their faces betrayed the nature of the revelations they have had by marks of joy or terror. But no visions are necessary to prove what will occur to every thinking man that when death has stripped him of his bodily senses and has left him nothing but his bare personality, if while on earth he has too closely attached himself to lust and vanities, he must necessarily suffer when bereft of these objects. Whereas, on the contrary, if he has as far as possible turned his back on all earthly allurements and concentrated his supreme affection upon God, and acted in accordance with His obedience, he will welcome death as a means of escape from worldly entanglements, to unite with Him whom he loved and obeyed. In this connection the Arabian Prophet has taught us that *"Death is a bridge which unites friend to friend. And the world is a paradise to the infidels, but a prison to the faithful"*.

On the other hand, the pains which souls suffer after death all have their source in excessive love of the world. The messengers of God warned that sinners, after death, will be tormented by so many snakes: some simple-minded men have examined the graves of the sinners and wondered at failing to see these snakes. They do not understand that the tormenting snakes have their abode within the unbeliever's spirit, and that they existed in him even before he died, for they were but his own evil qualities symbolized, such as jealousy, hatred, hypocrisy, pride, deceit, etc., every one of which springs, directly or indirectly, from excessive love of the world.

Every sinner thus carries with him into the world beyond death the instruments of his own punishment, and in the Koran it is stated: وان جهنم لمحيطة بالكافرين that is *"Hell surely surrounds the infidel" (9: 49)*. It does not state that hell will surround them, for it is round them, even now.

Some people may object and say: "If such is the case, then who can escape hell, and who is not more or less bound to the world by various ties of affection and interest?" To this we answer that the verse simply refers to the state of the infidels who have faith in God and who disregarded His injunctions bending altogether on the fascination of this world. As to the faithful and doers of good, the Koran says to the Prophet:-

﴿ وَبَشِّرِ ٱلَّذِينَ ءَامَنُوا۟ وَعَمِلُوا۟ ٱلصَّٰلِحَٰتِ أَنَّ لَهُمْ جَنَّٰتٍ تَجْرِى مِن تَحْتِهَا ٱلْأَنْهَٰرُ ﴾ [البقرة: ٢٥].

"Give good tidings to the faithful who do what is right that they shall inherit gardens beneath which rivers flow (2:25)".

Many profess to the love of God, but a man easily tests himself by watching which way the balance of his affection inclines when the commands of God come into collision with some of his ambitions and desires. Any profession of love to God which is not confirmed by obedience to Him is simply false.

Kinds of Spiritual Hell

We have seen above that one kind of spiritual hell is the forcible separation by death from worldly things to which the heart cleaved too fondly. Another kind is that of shame, when a man awakes up to see the nature of the bad actions he committed in their naked reality.

A third spiritual hell is that of disappointment and failure to reach the real objects of existence. Man was intended to mirror forth the light of the knowledge of God, but if he arrives in the next world with his soul thickly coated with the rust of sensual indulgence he will entirely fail to acquire the object for which he was created. His disappointment may be illustrated in the following figure:-

Suppose a man is passing with some companions through a dark wood. Here and there, glimmering on the ground, lie various colored stones. His companions collect and carry these and advise him to do the same. "For", say they, "we have heard that these stones will fetch a high price in the place whither we are going". He, on the other hand, laughs at them and calls them fools for loading themselves in the vain hope of gain, while he walks free and unencumbered. Presently they emerge into the full daylight and find that these colored stones are rubies, emeralds and other jewels of priceless value. The man's disappointment and chagrin at not having gathered some when so easily within his reach may be more easily imagined than described. Such will be the remorse of those; hereafter, who, while passing through this world to the next, have been at no pains to acquire the jewels of virtue and the treasures of good deeds.

Many people, however, having no fixed convictions about the future

world, when, mastered by their sensual appetite, deny it altogether. They say that hell is merely an invention of theologians to frighten the people, and they regard theologians themselves with thinly veiled contempt. To argue with men of this kind of thinking is of very little use. Thus much, however, may be said to such a man with the possible result of making him pause and reflect. Suppose you are about to eat food and some one tells you a serpent has spat venom on it, you would probably refrain and rather endure the pangs of hunger than eat it, though your informant may be in jest and lying. Or suppose you are ill and a charm-writer says: "Give me a shilling and I will write a charm which you can tie around your neck and which will cure you"; you would probably give the shilling on the chance of deriving benefit from the charm. Or if an astrologer tells you, when a moon has entered a certain constellation, drink such and such a medicine, and you will recover, though you may have very little faith in astrology, you very likely would try the experiment on the chance that he might be right. And do you not think that reliance is as well placed on the words of all the prophets, saints and holy men and hundreds of millions of wise men, convinced as they were of a future life, as on the purpose of a charm-writer or an astrologer? People take perilous voyages in ships for the sake of merely probable profit, and will you not suffer a little pain of abstinence now for the sake of eternal joy hereafter?

A certain saint[1] in arguing with an unbeliever said, "If thou art right, then neither of us will be any the worse in the future, but if we are right then we shall escape and thou wilt suffer". This he said not because he himself was in doubt, but merely to make an impression on the unbeliever.

From all that we have said, it follows that man's chief business in this world is to prepare for the next. Even if he is doubtful about a future existence, reason suggests that he should act as if there were one, considering the tremendous issues at stake. Peace be on those who follow the true guidance.

5. THE THREE STAGES OF MAN'S DEVELOPMENT

The Holy Koran has dealt fully with three conditions of man, namely

(1) Saint. Ali Ibn Abu-Talib, fourth Kahlifa and cousin and son-in-law of the Prophet.

the physical, the moral and the spiritual. It observes this division by fixing three respective sources for this threefold condition of man. It mentions three springs out of which these three conditions flow. The first of them is termed *"An-Nafsil-ammara"*, which signifies the uncontrollable soul or the soul prone to lust and evil. Thus the Koran says:- *"The soul is prone to evil"* (12: 53) إن النفس لأمارة بالسوء i.e. it is the characteristics of the (primitive) soul that it inclines man to evil doings or tends to lead him into iniquitous and immoral paths. In short, man's primitive nature is prone to transgression at a certain age in his development, and so long as he is devoid of high moral qualities, the evil nature is predominant in him. He is subject to this state so long as he does not walk in the light of true wisdom and knowledge but acts in obedience to the natural inclination like the lower animals.

As soon, however, as he frees himself from the control of animal passion and is guided by wisdom and knowledge, he holds the reins of his natural desires and governs them instead of being governed by them; when a transformation is worked in his soul from grossness to virtue, he then passes the physical stage and becomes a moral being in the strict sense of the word. The source of the moral conditions of man is called *"An-Nafsil-lawwama"* or the self-accusing soul (conscious), in the terminology of the Koran. In the Koranic chapter entitled "Al-Qiyama" or the Resurrection we read:-

﴿ وَلَآ أُقْسِمُ بِٱلنَّفْسِ ٱللَّوَّامَةِ ۝٢ ﴾ [القيامة: ٢].

> *"And I swear by the soul that blames itself* (on every dereliction of duty, being conscious of having offended)"
>
> (75: 2).

This is the spring from which flows a highly moral life and, on reaching this stage, man is freed from bestiality. The swearing by the self-accusing soul indicates the regard in which it is held. For the charge from the disobedient to the self-accusing soul, being a sure sign of its improvement and purification makes it deserving of approbation in the sight of God. *"An-Nafsil-lawwama"* or the self-accusing soul is so called because it upbraids a man for the doing of an evil deed and strongly hates unbridled passions and bestial appetites. Its tendency, on the other hand, is to generate noble qualities and a virtuous disposition, to transform life

so as to bring the whole course and conduct of it to moderation, and to restrain the carnal passions and sensual desires so as to keep them within due bounds. Although the self-accusing soul upbraids itself for its faults and frailties, it is not the master of its passions, nor is it powerful enough to practice virtue exclusively. The weakness of the flesh has the upper hand sometimes and then it stumbles and falls down. Its weakness then resembles that of a child who does not like to fall but whose infirm legs are sometimes unable to support him. But is does not persist in its fault, every failure bringing only fresh reproach to the mind. In short, at this stage the soul is anxious to attain to moral excellence and revolts against disobedience which is the characteristics of the first or the animal stage, but does, notwithstanding its yearning for virtue, sometimes deviate from the straight path, the path of God.

The third or the last stage in the outward movement of the soul is reached on attaining to the source of all spiritual qualities. The soul at this stage is in the word of the Holy Koran: *"An-Nafsil-Mutma'inna"* or the soul at rest.

﴿ يَٰٓأَيَّتُهَا ٱلنَّفْسُ ٱلْمُطْمَئِنَّةُ ﴿٢٧﴾ ٱرْجِعِىٓ إِلَىٰ رَبِّكِ رَاضِيَةً مَّرْضِيَّةً ﴿٢٨﴾ فَٱدْخُلِى فِى عِبَٰدِى ﴿٢٩﴾ وَٱدْخُلِى جَنَّتِى ﴿٣٠﴾ ﴾ [الفجر: ٢٧-٣٠].

"O thou soul that art at rest Return to thy Lord, well (with him), well pleasing (Him). So enter among my (beloved) servants; and enter into my paradise" (89: 27-30).

At this stage, the soul is freed from all weaknesses and frailties and is braced with spiritual power. The guidance of the soul at rest with its Lord is in the Koran's teaching: *"He who purifies his soul (of the carnal passions) is entitled to success, while he who indulges into a degrading passion is entitled to failure"* (91: 9-10).

In short, these three stages of the soul may be called the physical, the moral and the spiritual. Of these, the physical state, that in which man's passions run riot, for it is then that they deal a death-blow to the moral and spiritual states of man, and hence this state has been termed as that attended with failure, in the word of God.

Teachings of the Quran as to the Physical state of Man.

According to the Muslim Scriptures, the physical condition of man is closely connected with his moral and spiritual qualities. If, therefore, his natural desires are subjected to the direction of the law, they take the form of moral qualities and deeply affect the spiritual state of the soul. It is for this reason that in all forms of devotion and prayer and in all injunctions relating to internal purity and moral rectitude, the greatest stress has been laid upon external purity and cleanliness and on the proper attitudes of the body. The relation between the physical and spiritual natures of man would become evident on a careful consideration of the actions of the outward organs and the effect they produce upon the internal nature of man. Weeping, even if artificial, at once saddens the heart, while an artificial laugh makes it cheerful. Likewise a prostration of the body, as is done in Muslim prayer, causes the soul to humble itself and adore the Creator; whereas the strutting produces vanity and vainglory. These examples sufficiently illustrate the effect of bodily postures, as enjoined upon Muslims when fulfilling their fixed daily prayers upon the spiritual state of man. On the other hand, there is not the least doubt that food plays an important part in the formation of character. It is with this great law in view that the Holy Koran says:-

﴿ وَكُلُوا وَٱشْرَبُوا وَلَا تُسْرِفُوٓا ﴾ [الأعراف: ٣١].

> *"Eat (meat as other food) and drink but do not give way to excess" (in any particular form of diet so that your character and health may not suffer from it)* (7: 31).

The physical side of man's life being of such great importance even to the soul, the true word of God cannot be silent on the point. The Holy Koran has, therefore, applied itself abundantly to the reformation of the physical state of man's life. It gives us the most valuable and precise directions on all matters of importance, with which man is concerned. All his movements, the manner of the satisfaction of all his requirements, his family, social and general connections, health and sickness, are all regulated by rules, and it is shown how external order and purity have their effect upon the spiritual state of man.

A close study of the Koranic injunctions and directions relating to the

reformation of the external life of a man and his gradual advancement from savageness to civilization until he reaches the highest pinnacle of a spiritual life, reveals the following all-wise method: In the first place, the Almighty God has been pleased to lead him out of darkness and raise him up from a savage stage by teaching him rules relating to his ordinary daily actions and modes of social life. Thus, it begins at the lowest point of man's development and, first of all drawing a line of distinction between man and the lower animals, teaches him the rules of morality which may pass under the name of sociality. Next, it undertakes to improve upon the low degree of morality already required, by bringing the habits of man to moderation, thus turning them into sublime morals.

We pass now to the third stage of advancement when man forgets himself in the love of God and in doing His will and when his whole life is only for the sake of his Master. It is to this stage that the name Islam alludes, for it signifies total resignation to the commands and service of God and total forgetfulness of selfishness. Thus says the Holy Koran:-

﴿ بَلَىٰ مَنْ أَسْلَمَ وَجْهَهُۥ لِلَّهِ وَهُوَ مُحْسِنٌ فَلَهُۥٓ أَجْرُهُۥ عِندَ رَبِّهِۦ وَلَا خَوْفٌ عَلَيْهِمْ وَلَا هُمْ يَحْزَنُونَ ﴿١١٢﴾ ﴾ [البقرة: ١١٢].

"(Nay! Whoever submits himself entirely to God and he is the doer of good he will get his reward with his Lord, on such there is no fear nor shall they grieve" (2: 112).

﴿ قُلْ إِنَّ صَلَاتِى وَنُسُكِى وَمَحْيَاىَ وَمَمَاتِى لِلَّهِ رَبِّ ٱلْعَٰلَمِينَ ﴿١٦٢﴾ لَا شَرِيكَ لَهُۥ ۖ وَبِذَٰلِكَ أُمِرْتُ وَأَنَا۠ أَوَّلُ ٱلْمُسْلِمِينَ ﴿١٦٣﴾ ﴾ [الأنعام: ١٦٢-١٦٣].

"Say my prayers and my devoutness and my life and my death – all are devoted to Allah the Lord of the universe who has no partner. Thus I am commanded and I am the first to submit to the commandment" (6: 162-163).

﴿ وَأَنَّ هَٰذَا صِرَٰطِى مُسْتَقِيمًا فَٱتَّبِعُوهُ ۖ وَلَا تَتَّبِعُوا۟ ٱلسُّبُلَ فَتَفَرَّقَ بِكُمْ عَن سَبِيلِهِۦ ﴾ [الأنعام: ١٥٣].

"This is my way, leading straight: Follow it; and follow not other ways, lest they should scatter you about from straight Path" (6: 153).

﴿ قُلْ إِن كُنتُمْ تُحِبُّونَ ٱللَّهَ فَٱتَّبِعُونِى يُحْبِبْكُمُ ٱللَّهُ وَيَغْفِرْ لَكُمْ ذُنُوبَكُمْ ۗ وَٱللَّهُ غَفُورٌ رَّحِيمٌ ﴾ [آل عمران: ٣١].

"Say (to them) 'If ye do love Allah, come and follow me; then will God love you and forgive you your former sins, and He is surely Forgiving and Merciful'" (3: 31).

Now we shall deal with the three states of life one after another. As already stated, there are three sources which give rise to the threefold nature of man, *viz.* the disobedient soul, the self-accusing soul, and the soul at rest or the contented soul.

Our Holy Prophet Muhammad was raised at a time when the whole world had sunk to the lowest depths of degradation. The threefold reformation of man was, therefore, destined to be brought about at this period by means of the Holy Koran. It is for this reason that the Holy Book clams to be a perfect guidance to mankind as to it alone was given the opportunity to work a reformation complete on all sides. The Koran was, therefore, sent to bring life to the dead as it says:-

﴿ ظَهَرَ ٱلْفَسَادُ فِى ٱلْبَرِّ وَٱلْبَحْرِ ﴾ [الروم: ٤١].

"Both land and water have become corrupt" (30: 41).

﴿ ٱعْلَمُوٓا۟ أَنَّ ٱللَّهَ يُحْىِ ٱلْأَرْضَ بَعْدَ مَوْتِهَا ﴾ [الحديد: ١٧].

"Know it for certain that God restores life to earth which had been dead" (57: 17).

Utter darkness and barbarism at that time prevailed over the whole Arabia. No social laws were observed; and the most despicable deeds were openly committed. An unlimited number of wives were taken, and all prohibited attitudes were made lawful. Rape and incest reigned supreme and not infrequently mothers were taken for wives.

Now the Koran had a grand aim before it. It had to reclaim mankind from savagery and to make them men; then to teach them simple morals and make them good men, and last of all, to take them to the highest

pinnacles of advancement and make them godly. The Holy Book gives excellent instructions on these three aspects. It does not inculcate doctrines which are against the reason of man, and which, therefore, one has to follow against one's better judgment.

The whole drift of the Holy Book and the substance of its teachings is the threefold reformation of man and all other directions are simply means to the end. All its moral teachings, precepts and doctrines have an all-pervading purpose beneath them which consists in transforming men from the physical state imbued with a tinge of savageness into the moral state and from the moral into the boundless depth of the spiritual state.

To attain to the desired end of the highest spiritual advancement, the Holy Koran has taught us two means, *viz.* complete resignation to the will of God, which is known by the name of Islam, by leading a life which is guided and fostered by the injunctions and ordinances of God and the traditions of the Holy Prophet; and striving our best to recollect and love our Creator and Sustenant, the Almighty God. In the meantime, we must make constant self-examination to find out if we are treading on the right path or not.

6. – SELF-EXAMINATION THE RECOLLECTION AND LOVE OF GOD

The saints have always conceived that men have come into this world to carry on a spiritual traffic, the resulting gain or loss of which is heaven or hell. They have always kept a jealous eye upon the flesh which, like a treacherous partner in business, may cause them great loss. He is, therefore, really a wise man who, after his morning prayers, spends a whole hour in making a spiritual reckoning, and says to himself, "O my soul, thou hast only one life, no single moment that has passed can be recovered, for in the counsel of God the number of breaths allotted thee is fixed, and cannot be increased. When life is over, no further spiritual traffic is possible for thee, therefore what thou doest, do now, just treat this day as if the life had been already spent, and this were an extra day granted thee by the special favour of the Almighty. What can be greater folly than to lose it?"

It was a saying of the Khalifa 'Omar, "Call yourself to account before ye be called to account".

The saints relate that on the day of resurrection a man will find all the hours of his life arranged like a long series of treasure chests. The door of one will be opened, and it will be seen to the full of light. It represents an hour which he spent in doing good. The door of a second will be opened, it will be seen to be empty and neither light nor dark within, this represents the hour in which he did neither good nor evil. Then he will feel remorse and confusion like that of a man who has been the possessor of a great treasure and wasted it or let it slip from his grasp. Thus the whole series of the hours of his life will be displayed, one by one, to his gaze. Therefore, a man should say to his soul every morning: "God has given thee twenty-four treasures, take heed lest thou should lose any one of them, for thou will not be able to endure the regret that will follow such loss".

Muslim saints have said: "Even suppose that God should forgive thee after a wasted life, thou will not attain to the ranks of the righteous and must deplore thy loss". Thus, keep a strict watch over thy tongue, thine eye, and each of thy various organs for each of these is, as it were, a possible gate to misery in the hereafter. Say to thy flesh, "If thou art rebellious, verily I will punish thee". For, though the flesh is headstrong, it is capable of receiving instruction, and can be tamed by austerity.

Such then, is the aim of self-examination, and the Arabian Prophet has taught that *"Happy is he who does now that which will benefit his human soul after death"*.

The Recollection of God

We come now to the recollection of God. This consists in a man's remembering that God observes all his acts and thoughts. People only see the outward, while God sees both the outer and the inner man. He who really believes this will have both his outer and inner man being well disciplined. If he disbelieves it he is an infidel, and if, while believing it, he acts contrary to that belief, he is guilty of the grossest presumption.

A certain Muslim guide had a disciple whom he favoured above his other disciples, thus exacting their envy. One day the guide gave each one of them a fowl and told each to go and kill it in a place, where no one could see him. Accordingly, each killed his fowl in some retired spot and brought it back, with the exception of the guide's favourite disciple, who brought his fowl back alive, saying. "I have found no place, for God sees everywhere". The guide said to the others: "You see now this youth's rank, he has attained to the constant remembrance of God".

In the Muslim spiritual literature, we read the following story told by 'Abdullah Ibn Dinar, one of the most intelligent disciples of the Arabian Prophet. He said, "Once I was walking with the Kahlifa 'Omar near Mecca when we met a shepherd's slave-boy driving his flock. 'Omar said to him, 'Sell me a sheep'. The boy answered. 'They are not mine, but my master's'. Then to try him, 'Omar said, 'Well, you can tell him that a wolf carried one off, and he will know nothing about it'. 'No, he won't', said the boy, 'but God will'. Omar was so pleased with the boy's remark that he sent for the boy's master, purchased him and set him free, exclaiming, 'For this saying thou art free in this world and shall be saved in the next'".

Therefore, he is a wise man who keeps constant watch not only on his own actions but also on his own thoughts which are likely to end in action. Rightly to discriminate among such thoughts is rather a difficult and delicate matter, and requires a special training, and he who is not capable of it should attach himself to some spiritual guide, intercourse with whom may illuminate his heart.

The Holy Prophet Muhammad said: *"God loves that man who is keen to discern in doubtful things, and who suffers not his reason to be swayed by the assaults of passion"*. Reason and discrimination are closely connected, and he in whom reason does not rule, passion will not be keen to discriminate.

Besides such cautious discrimination before acting, a man should call himself strictly to account for his past actions. Every evening he should examine his heart as to what he has done to see whether he has gained or lost in his spiritual capital. This is the more necessary as the heart is sometimes like a treacherous business partner, always ready to cajole and

deceive, sometimes presenting its own selfishness under the guise of obedience to God, so that a man supposes he has gained, whereas he has really lost.

The Love of God

The love of God is the highest of all topics, and is the final aim to which this work has been tending hitherto. Human perfection consists in this that the love of God should conquer a man's heart and posses it wholly, and even if he does not posses it wholly it should predominate in the heart over the love of all other things. Nevertheless, rightly to understand the love of God is so difficult a matter that one sect of philosophers have altogether denied that man can love a being who is not of his own species, and they have defined the love of God as consisting merely in obedience to Him. But this is not true. All Muslims are agreed that the love of God is a duty. In the Muslim literature, it is related that when the angel of death came to take the soul of Abraham, the latter said, "Have you ever seen a friend take his friend's life?" God answered him, "Have you ever seen a friend unwilling to see his friend?" Then Abraham said to the angel, "Come and be quick to take my soul". The following prayer was taught by the Arabian Prophet to his followers: *"O God, grant me to love Thee and to love those who love Thee, and whatsoever brings me nearer to Thy love, and make Thy love dearer to me than cold water to the thirsty traveler in the desert"*. A Muslim saint guide used to say, "He who knows God naturally loves him and he who knows the deceitful world certainly hates it".

We come now to treat love in its essential nature, according to the spiritual Muslim conception. Love may be defined as an inclination to that which is pleasant. This is apparent in the case of the five senses, each of which may be said to love that which gives it delight, thus the eye loves beautiful forms, the ear music, etc. This is a kind of love we share with animals. But there is a sixth sense of faculty of perception, implanted in the heart, which lower animals do not possess, through which we become aware of spiritual beauty and excellence. Thus a man who is only acquainted with sensuous delights cannot understand what the Holy Prophet meant when he declared that *"he loved prayer more than any pleasant and beautiful thing"*. But he whose inner eye is opened

to behold the beauty and perfection of God will despise all outward sights in comparison, however fair and excellent they may be.

Man will say that beauty resides in red and white complexion, well-proportioned limbs, and so forth, but he will be blind to moral beauty, such as men refer to when he speaks of such and such a man possessing a beautiful character.

It is for this reason that we love the righteous, the saints and the godly, because the love of such men means the love of God.

The causes of love are several. One of them is this, that man loves himself and the perfection of his own nature. This leads him directly to the love of God, for man's very existence and man's attributes are nothing else than the gift of God, but for whose grace and kindness man would never have emerged from behind the curtain of non-existence into the visible world. Man's preservation and eventual attainment to perfection are also entirely dependent upon the grace of God. It would be a wonder, if one should take refuge from the heat of the sun under the shadow of a tree and not be grateful to the tree, without which there should be no shadow at all. Precisely in the same way, were it not for God, man would have neither existence nor attributes at all; wherefore then, should he not love God, unless he be ignorant of Him? Doubtless fools cannot love Him, for the love of Him springs directly from the knowledge of him, and whence should a fool have knowledge?

A second cause of this love is that man loves his benefactor, and in truth his only benefactor is God, for whatever kindness he receives from any fellow creature is due to the immediate instigation of God. Whatever motive may have prompted the kindness he receives from another, God is the Agent who sets that motive to work.

The third cause is the love that is aroused by contemplation of the attributes of God. His power and wisdom, of which human power and wisdom are but the feeblest reflections. This love is akin to the love we feel towards the great and wise men of the past, though we never expect to derive personal benefit from them, and is, therefore, a more disinterested kind of love.

God said to Prophet David, *"That servant is dearest to Me who does not seek Me from fear of punishment or hope of reward, but to pay debt due to my Deity"*. And in the Psalms it is written, *"Who is more selfish than he who worships Me from fear of hell or hope of heaven? If I had created neither, should I not then have deserved to be worshipped"?*

The fourth cause of this love is the affinity which exists between God and man as referred to in the saying of the Holy Prophet *"Verily God created man in his likeness"*. This is somewhat a dangerous topic to dwell upon, as it is beyond the conception of common people, and even intelligent men have stumbled in treating it, and have come to believe in incarnation and union of God. Still, the affinity which does exist between man and God disposes of the objection of those philosophers mentioned above, who maintain that man, cannot love a being that is not of his own species. However great this distance between them, man can love God because of that affinity indicated in the saying of the Holy Prophet that *"God created man in his own likeness"*.

The Vision of God

All believers in God profess to believe that the vision of Him is the summit of human felicity; though with many this is a mere lip profession which arouses no emotion in their hearts. But with the godly the matter is quite different. To these, the vision of God is really the greatest happiness that a man can attain. Every one of man's faculties has its appropriate function which it delights to fulfill. This holds good of them all, from the lowest bodily appetite to the highest form of intellectual apprehension. But even a comparatively low level of mental exertion affords greater pleasure than the satisfaction of bodily appetites. Thus, if a man happens to be absorbed in a game of chess, he will not come to his meal, though repeatedly summoned. And our delight in it; for instance, we should take more pleasure in knowing the secrets of a king than the secrets of a minister. Seeing then that God is the highest possible object of knowledge, the knowledge of Him must afford more delight than any other.

But the delight of knowledge still falls short of the delight of vision, just as our pleasure in thinking of those we love is much less than the

pleasure afforded by the actual sight of them. Our imprisonment in bodies of clay and water, and our entanglement in things of sense constitute a veil which hides the Vision of God from us, although it does not prevent our attaining to some knowledge of Him. For that reason, God is reported to have said to Moses on Mount Sinai: "*Thou shalt not see Me*" (that is so long as Moses was imprisoned in his bodily form).

The truth of the matter is this, that just as the seed of man becomes a man, and a buried date-stone becomes a palm-tree, so the knowledge of God acquired in this world will in the next world change into the vision of God, and he who has never learnt the knowledge will never have the vision. This vision will not be shared alike by all who know, but their discernment of it will vary exactly as their knowledge. God is one, but he will be seen in many different ways, just as one object is reflected in different forms by different mirrors, some showing it straight and some distorted, some clearly and some dimly. A mirror may be so crooked as to make even a beautiful form appear misshapen, and a man who, into the next world, has a heart so dark and distorted that the sight which will be a source of peace and joy to others will be to him a source of misery. He in whose heart the love of God prevailed over all else will certainly derive more joy from this vision than he in whose heart it has not so prevailed, just as in the case of two men with equally powerful eyesight, gazing on a beautiful face, he who already loves the possessor of the face will rejoice in beholding it more than he who does not. For perfect happiness mere knowledge unaccompanied by love is not enough, and the love of God cannot take possession of a man's heart till it is purified from the love of the world, which purification can only be effected by abstinence, righteousness, austerity and obedience to the Law.

The Signs of the Love of God

Many claim to love God, but each should examine himself as to the genuineness of the love which he professes. The first test is this: He should not dislike the thought of death, for no lover shrinks from going to see his own beloved. The Holy Prophet said, "*Whoever wishes to see God, God wishes to see him*". It is true that a sincere lover of God may shrink from the thought of death coming before he has finished his

preparation for the next world, but if he is really sincere, he will be diligent in making such preparation.

The second test of sincerity is that a man should be willing to sacrifice his will to God's, should cleave to what brings him nearer to God and should shun what places him at a distance from God. The fact of a man's sinning is no proof that he does not love Him with his whole heart. A saint said to a certain man, "If any one asks you whether you love God, keep silent, for if you say 'I do not love Him', you are an infidel, and if you say 'I do', your evil sins contradict you".

A third test is that the remembrance of God should always remain fresh in a man's heart without effort; for what a man loves he constantly remembers, and if his love is perfect he never forgets. It is possible, however, that while the love of God does not take the first place in a man's heart, the love of the *love* of God may, for love is one thing and the love of the love is another.

A fourth test is that he will love all men who love God and who obey Him; if his love is really too strong, he will be merciful and kind to every human being without distinction, nay love will embrace the whole creation, it being the direct work of his beloved. With regard to the unjust, the sinners, the unbelievers, who are none the less the creation of God, the lover of Him will ever be anxious to see them turn righteous, just, obedient and faithful. Although he may dislike them, such dislikeness will not extend to their persons but will be consecrated to their evil actions and irreligious deeds. Because among the tests of the love of God is that the lovers of God will love those who obey Him.

Now let us end our illustrations of the spiritual guide's views of the treasures of happiness by quoting the author's own saint guide:-

"The next world is the world of spirit and of the manifestation of the beauty of God, happy is that man who has aimed at and acquired affinity with it. All abstinence, devotions, worship and true knowledge have the acquirements of that affinity for their aim, and that affinity is love, while sins and lust oppose that affinity". In the Koran, the saint's main Scripture of God, one reads:-

﴿ قَدْ أَفْلَحَ مَن زَكَّىٰهَا ۝ وَقَدْ خَابَ مَن دَسَّىٰهَا ۝ ﴾ [الشمس: ٩-١٠].

"Happy is he who has purified his soul; and miserable is he who has corrupted it" (91 : 9 – 10).

Those who are gifted with spiritual insight have really grasped this truth as a fact of experience, and not a merely traditional maxim. Their clear perception of it leads them to the conviction that he by whom it is revealed is a Prophet indeed, just as a man who has studied medicine knows when he is listening to a physician. This is a kind of certainty which requires no support from miracles such as the conversion of a rod into a snake, the credit of which may be shaken by apparently equally extraordinary miracles performed by magicians.

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